

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40311 of 2020**

Arising Out of PS. Case No.-48 Year-2020 Thana- CHAORI District- Bhojpur

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PRADEEP KUMAR @ ANSHU KUMAR @ PRADIP KUMAR Son of Shri
Janardan Singh @ Bilayati Singh @ Jayanandan singh Resident of Village -
Chhotaki Khharon @ Chhotaki Kharon, P.S.- Sahar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 21-05-2021 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor representing the State,

through Video Conferencing.

The petitioner seeks regular bail in connection with

Chauri Police Station Case No. 48 of 2020, disclosing offences

under Sections 376/201/120-B of the Indian Penal Code and

Sections 8/10 of the Protection of Children from Sexual

Offences Act, 2012.

The prosecution case, as per the First Information

Report lodged by the informant, aged about 13 years, is that she

had gone to attend the coaching classes when the co-accused

Rajesh Baitha came and told her that he would give her tuition

of English and Math and took her to the house of Ashok Kumar,



son of Vinod Kahar. It has further been alleged that co-accused Rajesh Baitha committed rape upon the victim in a room. It has further been alleged that thereafter the petitioner was called to help co-accused Rajesh Baitha, who took the victim girl on a motorcycle after the alleged offence of rape and thrown her near the place Khaira.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged in the First Information Report and from perusal of the First Information Report, it would be evident that the allegation of rape is upon co-accused Rajesh Baitha. He further submits that the petitioner did not participate in the alleged offence and from perusal of the First Information Report, it would be evident that the allegation against the petitioner, at best, gives rise to an offence under Section 201 of the Indian Penal Code and the petitioner is in custody since 11.07.2020, having no criminal antecedent and charge sheet has been submitted.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the specific allegation of rape is against co-accused Rajesh Baitha and the petitioner was not present before or at the time of alleged rape and the petitioner is in custody since



11.07.2020, having no criminal antecedent and charge sheet has been submitted against the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Bhojpur, at Ara in connection with Chauri Police Station Case No. 48 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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