

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9236 of 2021

Arising Out of PS. Case No.-353 Year-2020 Thana- CHOUTARWA District- West
Champaran

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Chandrabhan Shukla @ Chandrabhan Kumar Son Of Sri Rajeshwar Shukla
R/O Village- Patilar, P.S.- Chautarwa, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chautarwa P.S. Case No. 353 of 2020 registered for the offence punishable under Sections 341, 323, 325, 307, 448, 354 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case informant had gone to her paternal home on the occasion of *Rakhi* and taking advantage of



this petitioner entered into her house and started teasing 14 years old daughter of the informant and outraged her modesty and when her daughter raised protest, petitioner gave rod blow with intention to kill on her head causing injury and breaking front tooth as a result she fell unconscious.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the informant had filed complaint case No. C-1276 of 2013 against entire family including the petitioner's father and mother under Section 498-A I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act, and according to the complaint petition, cruelty was meted out to her, and ultimately she was ousted from matrimonial home. He submits that statement of the victim girl has not been recorded under Section 164 Cr.P.C., nor was she examined for determination of age for application of POCSO Act. He further submits that informant is the Aunt of the petitioner and there is land dispute pending between the parties. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 15.10.2020.



Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Chautarwa P.S. Case No. 353 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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