

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6644 of 2022

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA PS District- Gaya

Sadhu Chaudhary @ Pramod Kumar Son Of Sri Karu Chaudhary R/O
Village- Chhotki Nawada, P.S.- Delha, District- Gaya Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Mahila (Gaya) P.S. Case No. 06 of 2020 instituted for the
offences punishable under Sections 376(D) of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.08.2021, charge-sheet has been
submitted in the case and has antecedent of four cases.

As per the prosecution story, the victim lady who is
admittedly major was called over telephone by one Ram Babu
Manpur she went along with him on his motorcycle. It is alleged
that she left her house on 14.06.2020 at 06:00 pm and then Ram
Babu Yadav took her here and there and then on 15.06.2020
(01:00 am) he took her to village Kandi Nawada school on
Gaya-Patna Road where he called his friends including this



petitioner and they committed rape on her.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the informant because her malicious reason and revengeful nature. It is further stated that the informant is a married woman and her husband deserted her due to her questionable character that too after doing love marriage with her and in the course of investigation, it has come that the family of the spouse were not happy with the marriage after that she was living with her husband in a rented flat, during which, on 27.01.2020, her husband left her and after that she was living alone.

Learned counsel for the petitioner further submits that during the investigation, only her mother and sister had stated that they were not happy with her as she developed relationship with Ram Babu which they said that when they tried to stop her from that she left them and started living alone. It is further submitted that in fact, the informant was having a love affair with Ram Babu and used to move openly on bike with him and both were happy with each other.

It is stated that the petitioner has no concern either with the said Ram Babu or the informant. In fact, the informant



is habitual in lodging such type of the occurrence as earlier she lodged Buniyadganj P.S. Case No. 29 of 2017 against one Rohit Kumar and later same has been compromised by her, which shows that usually she lodged such type of complaint only for the reason to extort money.

Learned counsel for the petitioner further submits that the similarly situated co-accused namely, Munna Kumar @ Munna Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.10.2021 passed in Cr. Misc.No. 18583 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 09.08.2021, charge-sheet has been submitted in the case and similarly situated co-accused has been granted by a Co-ordinate Bench of this Court vide order dated 06.10.2021 passed in Cr. Misc.No. 18583 of 2021, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Mahila (Gaya) P.S. Case No. 06 of 2020 subject to the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relative, preferably father, mother, brother, sister and or his wife.

(3) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Gaurav Kumar/-

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