

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5766 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- BELDOUR District- Khagaria

SUBHAS CHAUDHARY SON OF PRAKASH CHAUDHARY RESIDENT
OF VILLAGE- GENDHARSAN, P.S. BELDAUR, DISTRICT- KHAGARIA
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Beldour P.S. Case No. 21 of 2021, registered for the offence punishable under Section 354(b)/34 of the Indian Penal Code. Later on, 376/34 IPC was added.

As per the prosecution case, on 30.01.2021 at about 7 PM when the sister-in-law of the informant went to ease out, this petitioner attempted to molest her. However, during course of investigation, the victim was examined in which she alleged commission of rape also against this petitioner.

It is submitted on behalf of the petitioner that initially the FIR was lodged under Section 354(B) and after six months of the occurrence, the victim girl was examined in which she



made allegation of sexual assault. The victim girl was medically examined and no sign of rape was found. Petitioner claims clean antecedent and is in custody since 19.06.2021 and investigation in this case is complete .

Considering the contradiction in the FIR and statement of victim girl under Section 164 Cr.P.C that too was recorded after lapse of six months of the alleged occurrence, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st class, Khagaria in connection with Beldour P.S. Case No. 21 of 2021.

(Prabhat Kumar Singh, J)

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