

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12315 of 2022**

Arising Out of PS. Case No.-381 Year-2021 Thana- NOORSARAI District- Nalanda

Nitish Chauhan @ Gautam Chauhan Sons Of Basudev Prasad @ Basudev
Chauhan R/O Village- Ahiyapur, P.S.- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

3 20-12-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
POCSO Case No. 140 of 2021 arising out of Noorsarai P. S.
Case No. 381 of 2021, registered for the offences
punishable under Sections 341, 323, 354(B), 354(D), 509,
506 and 34 of the Indian Penal Code and Sections 8 and 12
the Protection of Children from Sexual Offences Act.

The prosecution story as emerges form the FIR is
that when the daughter of the informant was going to
coaching institute, the petitioner and his associates tried to
outrage her modesty and when the informant went to their



village, they threatened him of dire consequences.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous enmity. He refers to the statement of the victim recorded under Section 164 Cr.P.C. and submits that the statement of the victim girl is in contradiction to the statement made in the FIR. He further submits that the investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 15.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 7Th Additional Sessions Judge-cum-Special Judge, POCSO Bihar Sharif, Nalanda, in connection with Noorsarai P. S. Case No. 381 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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