

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19214 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- RAJPUR District- Buxar

Ripu Chauhan Son Of Kamlesh Chauhan @ Bhalu Chauhan R/O Village-
Pasahara, P.S.- Itarhi, District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner, the
informant and the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 376 of the
Indian Penal Code, in connection with Rajpur P.S. Case No. 48
of 2022.

As per the allegation in the FIR, the petitioner who
was known to the informant used to come to her in-laws house
and make physical relationship with her. In the process, one day
her in-laws caught him whereafter this FIR was lodged.

Learned counsel for the petitioner submits that a
bare perusal of the FIR would show that it was a consensual
relationship and only because they were caught by the in-laws,



the lady was forced to lodge the FIR.

Learned counsel for the informant on the other hand submits that despite her marriage and she being in home of in-laws, the petitioner forcibly used to visit her place and make physical relationship with her that led to lodging of the FIR.

Learned counsel for the State, Mr. Jitendra Kumar Singh have gone through the case diary and submitted that the statement of the lady under section 164 of the Cr.P.C. have different versions to that in the FIR.

Considering all the aforesaid facts including the fact that the petitioner is in custody since 24.2.2022, the charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-cum-Special Judge, POCSO Court, Buxar, in connection with Rajpur P.S. Case No. 48 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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