

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20524 of 2022

Arising Out of PS. Case No.-53 Year-2019 Thana- MAHILA P.S. District- Banka

Roushan Kumar Chaudhary @ Raushan Kumar @ Chhotu, Male, aged about 30 years, son of Santosh Chaudhary @ Santosh Kumar Chaudhary, resident of village – Babu Tola, Banka (near Panchmukhi Mandir), P.S & District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Banka Mahila P.S. Case No. 53 of 2019, dated 28.09.2019 (Reg. No. 2783 of 2019), registered for the offences punishable under Sections 448, 376, 342, 506 and 34 of the Indian Penal Code.

As per allegation, the informant was sexually abused by one Gourav Kumar @ Gaurav Kumar. Further allegation is that when the parents of the informant went to the house of the aforesaid Gourav Kumar, his parents assured to get her daughter married with Gourav Kumar. It



is further alleged that Gourav Kumar called the informant for marriage at Deoghar Mandir, but on the way to the temple, near Karjhounsa forest, he fled away leaving the informant alone.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that there is no allegation of rape against the petitioner and the only allegation against the petitioner is that of giving threat to the informant. He further submits that the main accused, namely, Gourav Kumar @ Gaurav Kumar has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 26.05.2022, passed in Cr. Misc. No. 15083 of 2022.

The petitioner has been languishing in jail since 21.02.2022.

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 antecedent.



However, the learned APP for the State opposes the prayer 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 learned S.D.J.M., Banka in connection with Banka Mahila P.S. Case No. 53 of 2019 dated 28.09.2019 (Reg. No. 2783 of 2019) 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.

The learned counsel for the petitioner is directed to remove all the defects 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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