

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31042 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- CHAORI District- Bhojpur

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BINOD KAHAR @ BINOD KUMAR S/O DHARAM DEO KAHAR R/o
village- Andhari, P.S.- Chauri, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 11.07.2020,
seeks regular bail in connection with Chauri P.S. Case No. 48 of
2020 for the offence punishable under Sections 376, 201 and
120B of the Indian Penal Code and Sections 8/10 of the POCSO
Act.

The prosecution case, as per the First Information
Report lodged by the informant, aged about 13 years, is that she
had gone to attend the coaching classes when the co-accused
Rakesh Baitha came and told her that he would give her tuition
of English and Math and took her to the house of Ashok Kumar,



son of Binod Kahar. It has further been alleged that co-accused Rakesh Baitha committed rape upon the victim in a room. It has further been alleged that thereafter co-accused Pradeep Kumar was called to help co-accused Rakesh Baitha, who took the victim girl on a motorcycle after the alleged offence of rape and thrown her near the place Khaira.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged in the First Information Report and from perusal of the First Information Report, it would be evident that the allegation of rape is upon co-accused Rakesh Baitha. He further submits that there is no involvement of the petitioner in the offence alleged. Petitioner has clean antecedent and he is in custody since 11.07.2020. Charge sheet against the petitioner has been submitted. He further submits that co-accused Pradeep Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.05.2021 passed in Cr. Misc. No. 40311 of 2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the specific allegation of rape is against co-accused



Rakesh Baitha and the petitioner was not present before or at the time of alleged rape and the petitioner is in custody since 11.07.2020 having no criminal antecedent and charge sheet has been submitted against the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.- VI, Bhojpur at Ara in connection with Chauri P.S. Case No. 48 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

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(Purnendu Singh, J)

