

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25271 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- SATHI District- West Champaran

CHANDAN KUMAR SON OF DHRUV PRASAD @ DHRUP SAH R/O
VILLAGE- SATHI, P.S.- SATHI, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

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

The petitioner is an accused in connection with Sathi
P.S. Case No. 29 of 2022 under Sections 366(A) and 376 of the
Indian Penal Code.

As per the allegation, she was having affairs with one
Rakesh but after she got knowledge that he takes drug she left
him. Later, she developed friendship with Chandan and one day
she left with Chandan and stayed in a room of hotel at
Narkatiaganj. Thereafter, Chandan Kumar (son of Ramadhar
Sah) went to Railway Station to take railway ticket leaving her



alone and during that time, Rakesh Kumar came there and committed rape on her. When Chandan returned, she narrated the same to him. Thereafter, Chandan Kumar make her board the train and assured her to perform marriage at Gorakhpur. She stayed at Gorakhpur for 4-5 days but Chandan did not come and his mobile phone too was found switched off.

In this case, case diary was called for on 08.08.2022 and the same has been received and perused by the learned APP for the State.

Learned counsel for the petitioner submits that he has been made victim of circumstances inasmuch one Rakesh and Chandan Kumar, son of Ramadhar Sah were accompanying the victim girl/lady but ultimately he was arrested in the case.

Per contra, Mr. Jitendra Kumar Singh, learned APP for the State submits that it is not the way it has been shown in the FIR, in fact, his home was regular centre where girls used to visit and which has come in the statement of independent witnesses in the case diary.

Be that as it may, so far as this case is concerned, the main accused seems to be Chandan Kumar, son of Ramadhar Sah as also one Rakesh and so far as this petitioner is concerned, the only thing that has been alleged in the FIR that



the victim girl entered in his house from one door and tried to exit from the other door but was caught hold by the villagers. Accordingly, he came into the judicial custody.

Taking into account the fact that he is in custody since 05.02.2022, charge sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him privilege of bail.

If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

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 Additional District and Sessions Judge-7th cum Special Judge (POCSO), Bettiah, District West Champaran in connection with Sathi P.S. Case No. 29 of 2022, subject to the following conditions:—

(i) one of the bailor should be the family member 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)

Jagdish/Neha-

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