

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37280 of 2021**

Arising Out of PS. Case No.-376 Year-2017 Thana- BARACHATTI District- Gaya

Vijay Chouhan Son of Panna Chauhan Resident of Village - Nima , P.s.-
Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 28-02-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be removed
within four weeks of start of normal functioning of the physical
court.

The petitioner seeks bail in connection with POCSO Case
No.51 of 2017 arising out of Barachatti P.S. Case No.376 of 2017
registered for the offence punishable under Sections 341, 323, 504,
506, 354(B), 34 of the IPC and Section 8/12 of the POCSO Act and
3(1)(r)(s)(w) SC/ST (POA) Act.

The prosecution case in short is that petitioner and other
accused persons entered the room of the informant and tried to
commit rape on the informant and her minor daughter.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in the present case
and he has no criminal antecedent. He further submits that the



allegation as alleged in the FIR is false and fabricated and there is no written statement or medical report is available. Learned counsel for the petitioner further submits that charge sheet has been submitted against the petitioner and is in custody since 16.11.2020. He further submits that the co-accused, namely, Teni Chauhan is granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 23.11.2021 passed in Cr. Misc. No.18284 of 2021.

Learned APP for the State on the basis of the material available on the record and the case diary has fairly submits that there is no sufficient material against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act), Gaya in connection with POCSO Case No.51 of 2017 arising out of Barachatti P.S. Case No.376 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for



cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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