

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46414 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- MAHILA PS District- Gopalganj

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BUTAN CHAUHAN Son of Sri Lal Chauhan @ Srilal Mahto @ Sri Mahato
Lal Resident of Village - Mangalahi, P.S.- Fulwariya Sripur O.P., Distt.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 The present petition has been taken up for

consideration through the mode of Video conferencing in view

of the prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with Gopalganj
(Mahila) P.S. Case no. 19 of 2021 registered for the offence
punishable under section 376(3) of the Indian Penal Code read
with sections 4/6 of the POCSO Act and sections 3(1)(w)(1)3(2)
(v) of SC/ST Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.6.2021, is person with clean



antecedent and charge sheet has been submitted. Learned counsel submits that the informant in the FIR alleges that on 5.6.2021 all her family members had gone in the marriage of her Fua's daughter and she was alone at her house, in the meantime, petitioner who is her neighbour came at 7.00 p.m and asked to come to her Fua's house but in spite of taking her to the house of her Fua, he took her into an asbestos room situated beneath the water tank and forcibly committed rape upon her and threatened her not to raise alarm as he will marry with her and when her father came to water tank searching her then the accused fled away leaving her, further she was crying then her father brought her to house. It is further alleged that family members of the petitioner was pressurizing not to lodge the case, hence there is delay in lodging the FIR. Learned counsel for the petitioner submits that from perusal of the FIR it would manifest that there is delay of four days in instituting FIR and the reason given for delay appears to be absurd for the reason that the informant and her family members would not have waited to institute the FIR after taking permission from the family members of the petitioner. Learned counsel submits that the petitioner and the informant were in love and since family members of the informant had gone to attend marriage as such informant came



to meet the petitioner at water tank and her father saw them as such petitioner fled away. Learned counsel for the petitioner submits that allegation of rape has been alleged to give seriousness to the case as medical report does not corroborate the allegation as alleged in the FIR, learned counsel submits that if the petitioner is not granted bail, his entire career will be ruined for a crime which he has never committed.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted and is a person with clean antecedent and FIR came to be instituted four days after the occurrence, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VI-cum- Special Judge under POCSO Act, Gopalganj in Gopalganj (Mahila) P.S. Case no. 19 of 2021.

(Satyavrat Verma, J)

s.hassan/-

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