

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47841 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- MAHILA P.S. District- Siwan

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Pramod Chauhan Son of Late Mathura Chauhan Resident of Village - Pach-beniya, P.S.- Aasaon, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor 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.

Petitioner seeks bail in connection with Mahila P.S. Case No. 29 of 2021 registered for the offences punishable under Sections 376(DA) of the Indian Penal Code and Section 4/6 of POCSO Act.

According to prosecution case, the informant gave a written report to the Officer-in-Charge of Mahila police station, Siwan alleging therein that her daughter had gone to attend the natural call on 08.06.2021 alone towards garden. When she did not return to house then she alongwith son searched everywhere but she was not found. A phone call came on mobile number of



her son Abhishek Chauhan that his sister is near Muktidham. She reached near Muktidham where her daughter was lying unconscious and was surrounded by accused persons namely, Ranjit Yadav, Nitesh Yadav, Bimlesh Yadav, Pramod Chauhan. All accused persons succeeded to flee away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. on 11.06.2021 in which she has not named the petitioner as an accused. He further submits that the mother of the victim girl has filed another case bearing Asaon P.S. Case No. 105 of 2021 against accused persons in which the petitioner is not accused in the said case. He further submits that after investigation police has submitted the charge sheet against the petitioner and other accused persons. The petitioner is in custody since 11.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Special Judge, POCSO, Siwan in connection with Mahila P.S. Case No. 29 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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 step 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)

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