

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49325 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- MAHILA P.S. District- Patna

CHANDAN KUMAR, Son of Biteshwar Rai, Resident of Village - Bayahpur
Tata Colony, Near High School, P.S.- Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Advocate.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

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

The petitioner seeks regular bail in connection
with Special Case No. 199 of 2020, arising out of Mahila P.S.
Case No. 131 of 2020, for the offence punishable under
Sections 376D and 120B of Indian Penal Code and Sections 6
and 8 of the POCSO Act.

The prosecution story, in brief is that the petitioner
who was tenant in the house of the informant (victim)
committed rape upon her four months back and had also made
a video of the occurrence. On the pretext of threatening to
make the video viral, he again committed rape upon her. It is
further alleged that one Putul Kumari about one week ago took



her to an isolated place where the victim was raped by ten persons. Putul Kumari forced the victim for such act after taking money from the persons who had raped the victim.

Without going into merits of the case, the learned trial Court is directed to record the statement of the victim girl, if already not recorded, as well as the statement of the parents of the victim and the petitioner as well as the other necessary witnesses and shall pass a fresh order in accordance with law without being prejudiced by the earlier order dated 01.07.2021. The said exercise be done within a period of three months.

If the Court below is, prima facie, satisfied to release the petitioner on bail, the petitioner, above named be released provisionally on such terms and conditions as the court below may deem fit and proper and if the court below finds the conduct of the parties satisfactory, the provisional bail of the petitioner shall be confirmed after any period as fixed by the court below.

Accordingly, with the above observation and direction, the present petition is disposed of.

(Purnendu Singh, J)

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