

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41856 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA PS District- Buxar

Balram Chourasiya S/o Sriman Narayan Chaurasia R/o village- Pandey Patti,
P.S.- Buxar (M), Distt.- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Buxar Mahila P.S. Case No. 55 of 2021 registered for the offences under Sections 365, 366, 367, 368, 370, 342, 376(D) and 34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

As per the prosecution, the informant in her fardbeyan has alleged that she met the accused Chatal and Patal at a primary school and they started talking and one day the accused persons Chatal and Patal took her to a garden and established physical relation with her. Later, they introduced the informant



to a women named Kajal and thereafter the informant met Kajal's brother Rahul, who also established physical relation with her on pretext of marriage. Thereafter, on 29-04-2021 Kajal and his brother Rahul took the informant to Brahmpur and they started living there, after sometime Rahul moved to Delhi and the informant was directed to make physical relation with Mikka. One day Rahul, Kajal and Mikka left the informant at a railway station from where she managed to return to Buxar, where she met Anita and started living with her and there the informant met with Vijay who also established physical relation with the informant.

The main submissions advanced by learned counsel Mr. Kamal Deo Sharma for the petitioner are that the petitioner is not named in the FIR and has clean antecedent and as per the victim's statement recorded under Section 164 Cr.P.C. the petitioner was not among those who allegedly established sexual relation with victim and petitioner is stated to be a partner of a lodge where co-accused Vijay Kumar used to stay and except this there is no any other allegation against the petitioner and the said Vijay Kumar as well as some named co-accused persons have been granted regular bail by different benches of this Court vide order passed in Cr. Misc. No. 6679 of 2022, 4532 of 2022



and 14770 of 2022 and two co-accused persons Pritam Kumar Pandey and Ratan Kumar Pandey have been granted anticipatory bail by co-ordinate Bench of this Court vide orders passed in Cr. Misc. No. 62201 of 2022 and the case of this petitioner stands on better footing than those who are on bail.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the petitioner's clean antecedent mentioned in his petition and also the fact that some of the co-accused persons who allegedly established sexual relation with the victim have been considered for bail by different benches of this Court and the petitioner is not alleged to have established physical relation with the victim as per the fardbeyan of the victim, in the opinion of this Court it is a fit case for bail to the petitioner. Accordingly, let the petitioner 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 concerned Court in Connection with Buxar Mahila P.S. Case No. 55 of 2021, on 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



below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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