

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71568 of 2021**

Arising Out of PS. Case No.-870 Year-2021 Thana- PHULWARISHARIF District- Patna

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Rishi Kumar Chaudhary S/o Shiv Janam Choudhary Resident of Village -
Jogiya Tola Phulwarisharif, P.S. Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Anand, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Anurag Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-08-2022 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Phulwarisharif P.S. Case No. 870 of 2021 registered for the

offence under Sections 341, 323, 376 and 506 of the Indian



Penal Code, Section 6 of the POCSO Act and Section 66(A) of the I.T. Act.

The accused/petitioner is named in the F.I.R. and is in custody since 21.10.2021.

The allegation against the petitioner is to commit rape upon the informant/victim, who is claimed to be minor at the time of occurrence, aged about 17 years.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of the F.I.R., it appears that informant/victim was in friendly relations with petitioner but when certain differences arise between the parties, petitioner has been falsely implicated against allegation of rape. It is submitted that the statement of victim, as recorded u/s 164 of the Cr.P.C., is in no way suggest that rape was committed upon the informant, rather it was a physical relations out of her own will. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that the statement of victim, as recorded u/s 164 of the Cr.P.C. is



not suggesting rape.

In view of the facts and circumstances, as mentioned above, as victim/informant denied the allegation of rape and kidnapping through her statement recorded u/s 164 of the Cr.P.C., where petitioner is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Phulwarisharif P.S. Case No. 870 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge, POCSO Act, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be



Mina Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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