

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2122 of 2023

Arising Out of PS. Case No.-272 Year-2022 Thana- JANDAHA District- Vaishali

Pratik Kumar Chaudhary S/O Pankaj Kumar Chaudhary Resident Of Village-
Kathena, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 323, 504, 376, 354, 307, 447 of the Indian Penal Code.

The prosecution case in nutshell is that informant went to petitioner for the purpose of making birth certificate of her younger daughter and handed over her mobile number and xerox of ID. After some time, petitioner tortured the informant through mobile and threatened her. Thereafter, petitioner developed physical relation with the informant. Informant disclosed the whole matter to her husband. It is further alleged that petitioner entered the



house of informant and asked her to go with him. When her husband raised objected, he and informant was assaulted by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is contradiction in prosecution case and statement of victim recorded under Section 164 of Cr.P.C. She has mentioned in F.I.R. that petitioner has committed physical relation with her forcefully but in her statement recorded under Section 164 of Cr.P.C., she has not stated about commission of physical relationship by the petitioner. She has only stated that petitioner blackmailed her after getting her mobile number and ID. There is no injury report to support the allegation of assaulting and also there is no medical report of the victim with regard to support the allegation of commission of rape since she denied for medical examination. Victim is major and wedded lady. It is also submitted that petitioner is languishing in judicial custody since 07.09.2022. A statement has been made in para 3 of the petition that



petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Jandaha P.S. Case No. 272 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali, Hajipur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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