

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5911 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- DUMRAO District- Buxar

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Agam Chaubey @ Nihora Chaubey S/O Late Rangnath Chaubey R/V-
Nandan, P.S.- Dumrown, District- Buxar.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Dumrown P.S. Case No. 419 of 2022 registered for the offence
under Sections 341, 323, 307, 354B, 504, 506 of the Indian
Penal Code and Section 8/12 of the POCSO Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 22.11.2022.

5. The allegation against the petitioner is to outrage
the modesty of minor daughter of informant aged about 10 years



on point of knife with allegation to touch her private part with sexual intent.

6. Learned counsel appearing on behalf of the petitioner submitted that as informant assaulted the brother/family members of petitioner in connection with theft, the present false implication raised by making instrumental her minor daughter. It is submitted that informant is not the eye-witness of the occurrence and entire implication is on the basis of hearsay input. It is further submitted that the narration of FIR having lot of contradictions *qua* statement of victim as recorded under Section 164 of Cr.P.C. It is submitted that a counter case was lodged by petitioner's side which was registered as Complaint Case No. 1030(C) of 2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of pending litigation between the parties and contradictory version of informant *qua* statement of victim recorded under Section 164 of Cr.P.C.,



coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.11.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Dumrown P.S. Case No. 419 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 learned Addl. District and Sessions Judge-VI-cum-Special Court, POCSO Act, Buxar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That petitioner shall not interact with informant/family members during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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