

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60928 of 2022

Arising Out of PS. Case No.-200 Year-2022 Thana- SIKARPUR District- West Champaran

1. BHUTTI CHAUDHARI @ BHUTTI YADAV @ BITTU CHAUDHARI, S/o Late Ramayan Chaudhari Resident of Ward No.- 7, village- Madhubani, Dumaria, P.S.- Shikarpur, West Champaran
2. JITENDRA CHAUDHARI @ JITENDRA KUMAR CHAUDHARI @ JITENDER YADAV, S/o Bhutti Chaudhari @ Bhutti Yadav @ Bittu Chaudhari Resident of Ward No.- 7, village- Madhubani, Dumaria, P.S.- Shikarpur, West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. BABITA DEVI, W/o Basudev Paswan Resident of Ward No.- 7, village- Madhubani, Dumaria, P.S.- Shikarpur, West Champaran 845103

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vatsal Verma, Advocate
For the Informant	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-02-2023 Heard learned counsel for the petitioners and learned Spl. PP as well as learned counsel for the informant.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Shikarpur P.S. Case No. 200 of 2022 registered under Sections 341, 323, 354(B), 504 read with Section 34 of the Indian Penal Code, Section 8 and 12 of POCSO Act and Sections 3(1)(r)(s) of SC/ST Act.



There is an allegation that the informant's son had gone to collect some water from a hand pump. It is alleged that he was prevented and abused by caste by the petitioners. The informant has rushed to the spot and they have attempted to disrobe her and assaulted her.

Learned counsel for the petitioners submits that falsity of the allegation is obvious from delay in lodging of the FIR. The occurrence is of 07.03.2022 whereas the FIR has been lodged on 09.03.2022, after failure to reconcile the matter by way of *panchayati*, convened on 08.03.2022. In fact, the prosecution parties were the aggressors in view of the fact that the informant's son had indulged in eve-teasing of the petitioner no. 1's daughter and on objection being raised, they have implicated the petitioners in the instant case. The petitioners' implication on extraneous consideration in two other cases is by persons with whom the petitioners are having property dispute. The petitioners are in custody since 22.07.2022. Investigation is complete.

Learned counsel for the informant and learned Spl PP have opposed the prayer. It is submitted that the petitioners are named accused and charge has also been framed at the trial. There is also antecedents of the petitioners.

Considering the rival submissions and period of custody as also the fact that investigation is complete, this Court is inclined to allow the petitioners' prayer for bail. Prayer for bail of the petitioners



is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), Bettiah, West Champaran in Shikarpur P.S. Case No. 200 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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