

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60789 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- NOORSARAI District- Nalanda

UCHEET CHAUHAN Son of Kailash Chauhan Resident of Village-
Diripar(Adherapar), P.S.- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar,Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 24-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State, Shri
Chandra Sen Prasad Singh.

The petitioner seeks regular bail in
connection with POCSO Case No.23 of 2022
arising out of Noorsarai P.S. Case No.86 of 2022,
registered for the offence punishable under
Sections 376/120(B) of the Indian Penal Code and
Section 8/12 of the POCSO Act.

The informant has alleged that the co-
accused person namely, Satish Chauhan had



forcibly entered her room in the night, on 10.10.2021, and had established physical relationship with her forcefully, whereafter, the petitioner is alleged to have pacified her and told her that within 2-3 months, marriage would be solemnized, hence, she should keep mum, however, subsequently, the said person namely, Satish Chauhan, refused to marry the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 19.07.2022. The learned counsel for the petitioner has further submitted that the petitioner has not been alleged to have committed rape with the informant and the allegation, whatsoever is against the co-accused person, namely Satish Chauhan. It is also submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.12.2022, passed in Criminal



Miscellaneous No.44305 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have raped the informant, apart from the fact that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge VII-cum-Special Judge, POCSO, Bihar Sharif, Nalanda in connection with POCSO Case



No.23 of 2022 arising out of Noorsarai P.S. Case
No.86 of 2022.

(Mohit Kumar Shah, J)

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