

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61292 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

1. Abhimanyu Chauhan @ Bhuwar, S/O Late Pachratan Chauhan, R/O Village- Amesi Dihari, P.S- Kochas, District- Rohtas
2. Jitendra Chauhan @ Jitendra Kumar Choudhari, S/O Late Jairam Chauhan, R/O Village- Amesi Dihari, P.S- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-02-2023 Heard learned counsel for the petitioners and learned APP for the State.

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 Ramgrah (Nuaon) P.S. Case No. 141 of 2022 registered under Sections 376(D) and 34 of the Indian Penal Code.

It is alleged that the petitioner no. 1 called the informant on the pretext of bringing some drinking water. Thereafter, he has committed rape upon her at the informant's house in the night. He thereafter has telephonically called petitioner no. 2 who also has



committed rape.

Learned counsel for the petitioner submits that the informant and petitioner no. 1 are relatives (*Jija* and *Sali*). It is submitted that the story as alleged is highly improbable and absurd as it is beyond comprehension that such offence has been committed in the house of informant, where the others are also residing. The informant has lodged the case on extraneous considerations, which is obvious from the joint compromise petition filed in the trial court by the informant, certified copy of the same has been placed on record. The petitioner no. 1 has three antecedents and petitioner no. 2 has one antecedent, all under Bihar Prohibition and Excise Act and in all the cases, they are on bail. The petitioner no. 1 is stated to be in custody since 30.04.2022 and petitioner no. 2 is in custody since 18.05.2022. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the relationship between the parties, and the manner of the alleged occurrence as also the joint compromise petition which has been filed, 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 learned A.C.J.M., Kaimur at Bhabua in Ramgrah (Nuaon) P.S. Case No. 141



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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