

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64731 of 2022

Arising Out of PS. Case No.-642 Year-2022 Thana- BARHARA District- Bhojpur

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DHANDEV BIND @ DHANDEV BIN @ DHANDEV CHAUDHARY Son
of Gita Bind @ Gita Bin @ Geeta Chaudhary Resident of Village- Sohra,
P.S.- Krishnagarh O.P. (Barhara), District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Barhara
P.S. Case No. 642 of 2022 dated 03.09.2022 registered for the
offence under Sections 376, 511 and 452 of the Indian Penal
Code.

The petitioner is alleged to have tried to commit to
establish physical relation with the informant after assaulting
her.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R, is false and fabricated as no
such occurrence has taken place. He further submits that from



bare perusal of the F.I.R., it appears that the petitioner was tried to commit rape upon her but on the intervention of his brother-in-law, she has been rescued. He further submits that it is apparent from the F.I.R. itself that no occurrence attracting the ingredients of Section 376 of the Indian Penal Code is made out against the petitioner. He further submits that no statement of the victim has been recorded under Section 164 Cr.P.C. nor the victim is subjected to any medical examination. Therefore, in absence of any substantive piece of evidence, the petitioner cannot be prosecuted for the offence punishable under Section 376 of the Indian Penal Code merely on the basis of bald allegation. The petitioner is rotting in judicial custody since 03.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara P.S. Case No. 642 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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