

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12998 of 2024**

Arising Out of PS. Case No.-39 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

RAHUL CHAUHAN S/O BINOD CHAUHAN R/O VILLAGE- MURI, P.S-  
CHAINPUR, DISTT.- KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Singh, Advocate

For the Opposite Party/s : Mr.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      09-05-2024                      Heard learned counsel for the petitioner, learned  
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Mohania Mahila P.S. case No. 39 of 2023 instituted for the offences under Sections 376 of the Indian Penal Code and 67(A), 67(B) of the I.T. Act.

3. Prosecution case, in short, is that this petitioner entered the house of the informant and on the point of knife committed rape. It is further alleged that the petitioner made the video of the alleged incident and sent the same to her husband.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that petitioner has not



committed rape and the entire prosecution story is false and concocted. He further submitted that victim is major. Learned counsel further referring to paragraph-19 of the case diary submitted that husband of the victim has also stated that there was consensual relationship between the victim and this petitioner. Learned counsel further submitted that as per medical report, there is no sign of rape. Learned counsel further submitted that since the alleged video was never published, hence, no offence is made out under Sections 67(A)/67(B) of the I.T. Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.10.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has fully supported the case of the prosecution, and therefore, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and material available on record, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mohania Mahila P.S. case No. 39 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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