

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20659 of 2024

Arising Out of PS. Case No.-691 Year-2023 Thana- AMARPUR District- Banka

Chhotu Kumar Son Of Late Vittan Harizen Resident Of Village - Mahadeopur
(Near Of Tar Pokhar), P.S. - Amarpur, District - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Nandan Prasad, Adv.
For the informant	:	Mr. Praveen Kumar, Adv.
		Mr. Ravi Prakash Dwivedi, Adv.
For the Opposite Party/s :		Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Amarpur P.S. Case No. 691 of 2023 dated 19.10.2023 registered for the offences punishable u/ss 354, 376, 313, 315, 316, 341, 342, 323, 504 and 506 read with Section 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, The petitioner is alleged to have committed rape on the Complainant and threatened her to kill if she told regarding this incident to anyone. The petitioner was continuously making physical relation with the Complainant and due to which, she became pregnant then the petitioner gave pills to victim girl and aborted the same. When pain started to the Complainant then



she disclosed the incident to her mother. Thereafter, the Complainant's mother went to the house of the petitioner for complaining the same then the brothers of the petitioner started abusing and assaulting her. On 17.05.2022, with the help of Sarpanch's, the petitioner married the Complainant. The victim was living in the in-laws house and again she became pregnant. The petitioner forcibly aborted her pregnancy by giving pills and also ousted her from his house. Thereafter, the accused persons went to the house of the Complainant and assaulted the mother and father of the Complainant. The accused persons demanded Rs. 2,00,000/- for keeping the Complainant in the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The complaint has been filed after three years of the alleged offence. There was love affair between the victim and the petitioner. Chargesheet has been submitted in this case. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.10.2023.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named,



is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Amarpur P.S. Case No. 691 of 2023 with the condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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