

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19873 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- TARARI District- Bhojpur

Ehshaan Ali @ Chotu Mian, Male, aged about 20 years, Son of Firoz Ali,
Resident of Village.-Karath, P.S.-Tarari, Distt.-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rehan Khatoon, W/O Ali Hussain, R/O Village-Karath, P.S. Tarari,
District-Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Shadab Akhter, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-06-2024 This matter has been listed under the heading “For orders (on office notes)”.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State. However, no one appears for the opposite party no. 2 despite service of ordinary process notice on the opposite party no. 2.

3. The petitioner seeks bail in connection with Tarari P.S. Case No. 215 of 2023 dated 12.12.2023 registered for the offences punishable under Sections 376 of the Indian Penal Code and Sections 7 and 8 of the POCSO Act.

4. As per the prosecution case, on 11.12.2023 at about 8.00 P.M., the minor daughter of the informant went to call of



nature behind the government school and when she did not return late night, the informant went to search for her daughter behind the said school where she saw in the torch light that the petitioner was committing rape on her daughter. The informant tried to catch the petitioner but anyhow he fled away from there. On hulla, the nearby people assembled there and an information was given to the police. Thereafter, the informant's minor daughter was brought to the P.H.C. Tarari in unconscious condition for her treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no allegation of committing rape on the victim against the petitioner as per the 164 Cr.P.C. statement of the victim. It is submitted that the victim in her statement recorded under Section 164 Cr.P.C., has stated that on 11.12.2023 at about 8.00 P.M., she went to call of nature outside of her house and in the meantime, suddenly she felt dizzy and fell on the ground and for the long time she was in unconscious condition, thereafter, her parents came looking for her and took her to Tarari Hospital. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 12.12.2023.



6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bhojpur, Ara in connection with Tarari P.S. Case No. 215 of 2023 with further condition:-

(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 bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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