

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30715 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- NOKHA District- Rohtas

RAHUL KUMAR S/O RAM EKBAL CHAUDHARI R/O VILLAGE-
SISIRIT TOLA, P.S- NOKHA (DHARAMPUR), DISTT.- ROHTAS.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NIRANKAR CHAUDHARI S/O ARI ANTU CHAUDHARI R/O
VILLAGE- SISIRIT TOLA, P.S- NOKHA (DHARAMPURA), DISTT.-
ROHTAS.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 26-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nokha (Dharmapura) P.S. Case No. 94 of 2023 dated 15.04.2023 registered for the offences punishable u/ss 376 (DB), 504 of the Indian Penal Code, 4/6 of the POCSO Act and section 67(B) of the IT Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed rape on the informant's minor daughter and made the obscene video viral on social media.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case.



There is a delay of 13 days in lodging the FIR. The victim (P.W. 1) in her examination-in-chief has not identified the petitioner and said that they did not commit any wrong. It is further submitted that the medical report does not support the prosecution. The parents (P.W. 2 and P.W. 3) of the victim have not supported the prosecution in their deposition. The father (P.W. 3) of the victim in his examination-in-chief has stated that he lodged the present case at the instigation of the villagers. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.05.2023. Similarly situated co-accused has already been granted regular bail by this court *vide* order dated 27.08.2024 passed in Cr. Misc No. 26901 of 2024.

5. Learned A.P.P. for the State has 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, Rohtas at Sasaram in connection with Nokha (Dharmapura) P.S. Case No. 94 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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