

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26662 of 2024

Arising Out of PS. Case No.-334 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Anup Chourasiya SON OF Ratnesh Chourasiya Resident of Village-
Gadaipur, P.S. Gahamar, District- Gazipur UP

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. DOULI DEVI DAUGHTER OF VIRENDRA TIWARI VILLAGE- SHEO
SAGAR, PS- SHEO SAGAR, DISTT- ROHTAS AT P/A- NUON, PS-
DURGAWATI, DIST- KAIMUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devi Das Srivastava
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 12-09-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Durgawati P.S. Case No. 334 of 2023,
registered for the offences punishable under Sections 376(D) of
the IPC.

3. As per allegation, the petitioner along with two
other accused persons committed rape upon the informant and
further threatened her to face dire consequences had she
narrated the occurrence to anyone.

4. The learned counsel for the petitioner has
submitted that the petitioner is innocent and has falsely been



implicated in this case. The informant has already lodged a complaint case against the petitioner with the allegation that he sexually exploited her and took away her articles including ornaments from her house. The allegation of sexual exploitation was not found true in that case and no cognizance was taken under Section 376 of the IPC. In that complaint case, the learned Magistrate has taken cognizance only under sections 379, 323 and 341 of the IPC. The petitioner was granted bail in that case on 26.09.2023. After five days of granting bail, the same lady has lodged this case with the allegation that the petitioner and other two accused persons committed rape upon her.

5. The learned counsel for the informant as well as the learned APP for the State have opposed the prayer for bail and submitted that the present case is entirely different from the complaint case. The petitioner and his companions committed gang rape upon the informant which is serious in nature and the petitioner does not deserve the privilege for bail.

6. The informant did not even mention her case in which the petitioner has already been granted bail. The case under Section 376 of the IPC was not found true in the complaint case and no cognizance was taken under Section 376 of the IPC. Just after grant of bail in that complaint case, the



lady has lodged the present case and even the existence of the complaint case has been concealed in the FIR. The petitioner is under custody for nine months.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Mohania in connection with Durgawati P.S. Case No. 334 of 2023, subject to the following condition:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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