

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26702 of 2024

Arising Out of PS. Case No.-77 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Raju Choudhary @ Raju Kumar Choudhary, aged about 26 years, Male, S/O
Jagdish Choudhary R/O Siwasinghpur, P.S- Mohiudin Nagar, Distt.-
Samastipur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sarveshwar Tiwary, Advocate

For the Opposite Party : Mr. Pawan Kumar Chaurasia, A.P.P.

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

ORAL ORDER

3 11-07-2024 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 Mohiuddinagar P.S Case
No. 77 of 2022 dated 16.04.2022 registered for the offence
punishable u/ss 341, 342, 323, 377, 379, 504 and 506 read with
Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant was
going to see his field then he saw that the accused persons,
namely, Pano Chaudhary @ Rajan Chaudhary and Raju
Chaudhary (Petitioner) were drinking in his field. On seeing this
he protested against them then they assaulted him and when the



informant tried to call, Pano Chaudhary snatched the informant's phone and the petitioner committed unnatural sexual offence upon the informant. It is further alleged that Pano Chaudhary snatched the golden locket and also took cash from his pocket.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and submitted that all the Sections are bailable except Sections 379 and 377 of the IPC and Section 377 IPC is not applicable against the petitioner because in the F.I.R. informant himself admitted that in the hospital he has not disclosed anything about unnatural sexual harassment before the doctor and no medical was done so it has been added with legal brain. Learned counsel for the petitioner placed reliance on the judgment in the case of Navtej Singh Johar and Ors. V/s Union of India (Criminal No. 76 of 2016) in which unanimously held section 377 to be unconstitutional. It has also been submitted that both the parties have compromised the case and filed the compromise petition. The petitioner has one criminal antecedent in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 30.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that



the accused persons encircled towel in his neck and started pulling the informant with the intent to kill.

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, Samastipur in connection with Mohiudinnagar P.S Case No. 77 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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