

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36025 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- SATHI District- West Champaran

1. HARENDRA CHAUBEY SON OF SWAMINATH CHAUBEY Resident of Village - Musaharawa, Police Station - Sathi, District - West Champaran
2. DADAN KUMAR CHAUBEY @ DADAN CHAUBEY SON OF HARENDRA CHAUBEY Resident of Village - Musaharawa, Police Station - Sathi, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramendra Bharti, Adv.
For the Opposite Party/s :	Ms. Usha Kumari 1, APP
	Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 448, 354B, 504 and 506 read with Section 34 of the Indian Penal Code and Section 8 of the POCSO Act and Section 3(i)(r) (s)(2)(v) of the SC/ST (POA) Act.

3. As per the prosecution case, on 27.12.2022 in the evening, the co-accused, Chokati Chaubey @ Dhananjay Chaubey is alleged to have molested and attempted to commit rape on the informant by calling her caste name. Thereafter the



co-accused was caught by the victim and her sister. In the meantime, the co-accused Abhay Kumar Choubey and the petitioner no.2, Dadan Choubey came and assaulted them and freed the co-accused from the custody of the informant and her sister. Thereafter, the petitioner no.1 and the co-accused person, Abhaya Choubey abused the informant by taking her caste name.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the family of the informant has encroached the government land which is 'Aam Rasta' and an encroachment case has been filed before the Circle Officer, Narkatiyaganj in which the petitioner no.1 is the complainant and an order of removal of encroachment was also issued by the S.D.M., Narkatiyaganj, West Champaran on 09.05.2022 vide Memo No. 434. The said order was against the encroachers. It is further submitted the informant and her family members again encroached the front exist of the petitioner's house which was contested by the petitioner no.1. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. The similarly situated co-accused has been granted anticipatory bail by this Court vide



order dated 31.01.2024 in Cr. Misc. No. 69828 of 2023. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, West Champaran at Bettiah in connection with Sathi P.S. Case No. 304 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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