

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52425 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- HAYAGHAT District- Darbhanga

1. Niranjan Chaudhary Son of Mishri Chaudhary R/O Vill.- Dhobopur, Bansara, P.S.- Hayaghat, Dist.- Darbhanga.
2. Raju Chaudhary @ Raju Kumar Chaudhary Son of Niranjan Chaudhary R/O Vill.- Dhobopur, Bansara, P.S.- Hayaghat, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. xxxxx Daughter of Late Rama Sah R/O Vill.- Dhobopur, Bansara, P.s.- Hayaghat, Dist.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate
For the State : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Saurav Anand, learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Hayaghat P.S. Case No. 08 of 2024, F.I.R. dated 01.02.2024 for the offences punishable under Sections 323, 341, 376, 384 and 34 of the Indian Penal Code and Section 67 A of the I.T. Act.

3. According to prosecution case, the informant 'x' submitted a written report to the S.H.O. Hayaghat Police Station with an allegation that she is living with her mother and brother



is working outside. Since last one year in the house of Niranjana Chaudhary as a maid and then the son of Niranjana Chaudhary, namely, Rajeev Kumar started putting evil eye on her and tried to tease her. On 30.08.2023 at 8:00 the brother of Rajeev Chaudhary went somewhere, in the meantime Rajeev Kumar Chaudhary took her in a room and after removing the cloth committed rape and also snap some obscene video, anyhow she came to her house and informed her mother and then her mother released from the work from his house. Further alleged that the marriage of the informant fixed with one Mukesh Sah then Rajeev Kumar Chaudhary sent the video to him then the proposed bride refused to marry with her. It is alleged that on 13.09.2023 a panchayati was convened in the village in which Rajeev Kumar and his father and the accused Rajeev Kumar Chaudhary accepted his guilt and committed that he will not send message to anyone, even then he prepared a fake ID put the same viral on Instagram and Facebook and when the her mother objected then Niranjana Chaudhary, Rajeev Kumar Chaudhary, Raju Chaudhary came to her house and abused her parents.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears



from the FIR that the petitioners have been made accused in the present case merely on the ground that petitioner no.1 is father and petitioner no.2 is brother of the co-accused person, namely, Rajeev Kumar Chaudhary against whom the allegation that he has committed rape upon the informant. He further submits that the statement of victim was recorded under Section 164 Cr.P.C. in which she has not stated anything about the sexual assault against the petitioners.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent and there is no specific allegation attributed against the petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO, Darbhanga in connection with Hayaghat P.S. Case No. 08 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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