

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69828 of 2023

In
CRIMINAL APPEAL (SJ) No.1721 of 2023

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

Chokati Chaubey @ Dhananjay Chaubey, aged about 25 years, Gender-Male,
Son of Sri Harendra Chaubey, Resident of Village - Musaharawa, Police
Station - Sathi, District - West Champaran (Bihar)

... .. Petitioner

Versus

1. The State of Bihar.
2. Bigan Kumari, Daughter of Hirawan Ram, Resident of Village-
Musaharawa, Police Station - Sathi, District - West Champaran (Bihar)

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Zainul Abedin, Advocate
For the O.P. No. 2	:	Mrs. Preeti Kumari, Advocate
For the State	:	Mrs. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 31-01-2024 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Sathi P.S. Case No. 304 of 2022 dated
28.12.2022 registered for the offences punishable under
Sections 323, 341, 448, 354B, 504, 506/34 of the I.P.C., Section



8 of the POCSO Act and Sections 3(1)(r)(s) 3(v) of the SC/ST (POA) Act.

4. As per the prosecution case, on 27.12.2022 in the evening, the petitioner is alleged to have molested and attempted to commit rape on the informant by calling her caste name. Thereafter the petitioner was caught by the victim and her sister. In the meantime, the co-accused Ajay Kumar Choubey and Dadan Choubey came and assaulted them and freed the petitioner from the custody of the informant and her sister.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case due to dirty village politics. 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's father, namely, Harendra Chaubey 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 that the informant and her family members again encroached the front exist of the petitioner's house which was contested by the petitioner's



father. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, West Champaran at Bettiah, in connection with Sathi P.S. Case No. 304 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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