

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85657 of 2023

Arising Out of PS. Case No.-575 Year-2023 Thana- ALAMGANJ District- Patna

Raju Chaudhary Son of Brijanand Chaudhary R/o Mohalla - Tulsi Mandi, P.S.
- Alamgang, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. (POCSO) No. 183 of 2023 arising out of Alamganj
P.S. Case No. 575 of 2023 instituted for the offences under
Sections 341, 323, 342, 354, 354(A), 448, 34 of the Indian Penal
Code and Section 8, 12 of the POCSO Act.

3. As per prosecution case, the allegation against the
petitioner is that he along with other accused persons forcibly
entered into the house of the Informant and jolted the gate of her
house. It is further alleged that all the accused persons assaulted
the two minor daughters of the Informant and also taken them to
the bathroom and tried to outrage their modesty but, upon *Hulla*



made by the victim girls, they all fled away from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case mere on suspicion. There is no eye-witness to the occurrence. There is also no specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that compromise petition has also been filed before the court below. Learned counsel for the petitioner further submits that out of six witnesses, four witnesses have been examined. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 29.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the allegation made against the petitioner is serious in nature and, thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent as also



considering that out of six witnesses, four have been examined, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. (POCSO) No. 183 of 2023 arising out of Alamganj P.S. Case No. 575 of 2023, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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