

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2712 of 2024**

Arising Out of PS. Case No.-314 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Chandan Pal S/o BASUDEO PAL R/V KARJI, PS CHAINPUR, DIST
KAIMUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Mishra, Adv. Mr. Ravishankar Sahay, Adv.
For the Opposite Party/s	:	Mr.Nirmala Kumari, APP
For the Informant	:	Mr. Rajani Kant Panday, Adv.

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

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Chainpur P.S. Case No. 314 of 2023 dated
09.10.2023 registered for the offence/s punishable u/ss 376, 323,
504, 506 of the Indian Penal Code and section 6 of the POCSO
Act and 67/67A of the IT Act.

3. As per the prosecution case, the petitioner is alleged
to have come on the motorcycle and offered the informant to
drop at her center. Thereafter, the petitioner took the informant
to a hut and committed rape on her and made obscene video in



the month of October, 2022. It is further alleged that the petitioner also established physical relationship with her many times by threatening the informant to make her nude video viral. It is further alleged that when the informant started protesting, the petitioner made her nude video viral, thereafter the informant and his family members went to the petitioner's house for complaint, then the father of the petitioner assaulted and threatened to kill them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of one year in lodging the FIR. As per FIR, the petitioner established physical relationship with the victim many times but no one complained regarding this. There is nothing on the record which shows that the obscene video of the victim got viral. Moreover, the victim has not raised any alarm while she was being raped in the hut. There is no compliance of sections 53A and 164A of the Cr.P.C. It is further submitted that medical board assessed the age of the victim as 17-19 years. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the



anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 the learned court concerned, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 314 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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