

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5388 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- NAWADA District- Nawada

1.

Rajendra Chaudhary S/O- Sitasharan Chaudhary R/O- Vill- Gopalganj, Ps- Kadirganj (Nawada), Dist- Nawada.
2.

Vinod Chaudhary S/O- Sitasharan Chaudhary R/O- Vill- Gopalpur, Ps- Kadirganj (Nawada), Dist- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4

10-04-2024

Heard Mr. N.K. Agrawal, the learned senior counsel for the petitioners and Ms. Rina Sinha, the learned Additional Public Prosecutor for the State.
2.

Petitioners seeks regular bail who are in custody since 09.11.2023 in connection with Nawada Town (Kadirganj O.P.) P.S. Case No. 266 of 2023, FIR dated 12.02.2023, registered for the offences punishable under Sections 341, 323 and 354(B) read with Section 34 of the Indian Penal Code.
3.

According to the prosecution case, the co-accused persons tried to commit rape on the niece of the informant.
4.

Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been

implicated in the present case. He further submits that upon perusal of the FIR it appears that the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, although the victim in her statement recorded under Section 164 of the Cr.P.C. states that the petitioners tried to commit rape upon her, but they failed to do so. He further submits that earlier the wife of the petitioner no. 2 has filed the Nawada Town PS Case No. 240 of 2023 against the informant and others and the present FIR is only filed to pressurize the petitioners' family to compromise in Nawada Town PS Case No. 240 of 2023. He further submits that co-accused person namely, Gopal Chaudhary has been granted regular bail by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 56895 of 2023 and the police after investigation has submitted the chargesheet and the petitioners are in judicial custody since 09.11.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Nawada, in

connection with **Nawada Town (Kadirganj O.P.) P.S. Case No. 266 of 2023**, subject to the following conditions:

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

(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 trial Court 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 trial Court shall take step for cancellation of bail bond 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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