

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2075 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- RAJPUR District- Buxar

Hanuman Chaudhary, aged about 23 years, Male, S/O Mahatim Chaudhary @ Mahatim Mallah, R/O Village- Dihri, P.S- Rajpur, Distt.- Buxar.

... .. Petitioner

Versus

1. The State of Bihar
2. Sapna Devi, Wife Of Upendra Paswan, R/O Village- Dihri, P.S.- Raipur, Dist- Buxar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Pradhan, Advocate
For the O.P. No. 2	:	Mr. Avinash, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 22-07-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rajpur P.S. Case No. 319 of 2023 dated 03.09.2023 registered for the offences punishable under Sections 376AB of the I.P.C., 6 of the POCSO Act and Sections 3(1)(r)(s)(w)(i)(ii), 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, on 03.09.2023 at about 5.30 P.M., the petitioner is alleged to have committed rape on the minor daughter of the informant who is eight years old.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the statement of the victim has been recorded under Section 164 of the Cr.P.C. in which she has falsely stated at the behest of the informant and enemy persons of the village that the petitioner has committed wrong act with her. The victim girl has also been medically examined by the doctor on 04.09.2023 and the doctor has not found any injury on her private part and opined 'no sign of sexual act present', so the medical evidence does not support the persecution case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 18.09.2023.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to 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 learned A.D.J.-Vith-cum-Special Judge, POCSO Act, Buxar in connection with Rajpur P.S. Case No. 319 of 2023 with further condition:-

(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 bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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