

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45284 of 2025**

Arising Out of PS. Case No.-981 Year-2023 Thana- SHERGHATI District- Gaya

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Ajay Chaudhary @ Ajay Kumar S/O Sudarshan Chaudhary R/O Village-
Kalwan, P.S- Amas, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Puja Kumari W/o Deepak Kumar R/O Village- Pokhraha, P.S- Imamganj,
Dist.- Gaya, At present R/O Village- Srirampur, P.S- Sherghati, Distt.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Binay Krishna

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

ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sherghati P.S. Case No. 981/2023 dated 14.09.2023 registered for the offences punishable u/ss 363, 365, 376, 376DA, 506 read with section 34 of the Indian Penal Code and section 4 of the POCSO Act and Sections 3 (2)(v) of the SC/ST Act.

3. As per the prosecution case, the informant and her minor friend aged about 13 years used to talk with the petitioner. It is further alleged that on 11.09.2023, the co-



accused called the informant and her minor friend to Sherghati, induced them and took them to Patna and at Patna Station, the petitioner Ajay Choudhary also came with his two other friends and the accused persons kept them in a room of the hotel and forcibly committed rape on them. It is further alleged that on 12.09.2023, all the accused persons brought the victims to Gaya by train and from Gaya, they brought them to Bodh Gaya where they kept them in a hotel and again committed rape on them. When the victims protested, all the accused persons threatened them and they could not say anything out of fear. It is further alleged that on 13.09.2023, Ajay Choudhary and his two associates returned from Bodh Gaya and the co-accused Dablu Kumar left the victims in the village and he also fled away.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that both the victims went to Patna of their own sweet will and the appellant did not took them forcibly as he was not alongwith them. The petitioner was the friend of the husband of the informant and he used to talk on mobile phone with his friend. It is further submitted that the trial of the present case is going on and none of the witness has supported the prosecution



case. It is further submitted that altogether five witnesses have been examined and none of them have stated about the complicity of the appellant in the alleged offence. It is further submitted that the medical report of the victims does not support the case of prosecution. It is further submitted that one of the victims as P.W.1 in her examination-in-chief has stated that no one has committed any wrong act with her. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The petitioner is in custody since 25.11.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the memo of appeal. Similarly situated co-accused has already been granted bail by this court vide order dated 08.05.2025 passed in Cr. Misc. No. 3858 of 2024.

5. Learned A.P.P. for the State has 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 Court concerned, Gaya in connection with Sherghati P.S. Case No. 981/2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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