

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70646 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Shiv Chandra Choudhary @ Shiv Chandra Mahto Son of Late Kusheshwar Choudhary Resident of Village- Madudabad Sabji mandi, PS- Mohiuddin Nagar District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi Wife of Vakil Sahni R/O Vill.- Bakhari, P.S.- Bakhari, Dist.- Begusarai. At Present Resident of Village- Madudabad PS- Mohiuddin Nagar District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned APP for the State. Despite issuance of notice, none appears for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Mohiuddin Nagar P.S. Case No. 110 of 2024 instituted for the offence under Sections 376 & 511 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, accusation against the petitioner is of sexually assaulting the minor daughter of the informant.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 11-06-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case, due to local dirty village politics and connivance with the enemies of the petitioner. It is submitted that petitioner was the victim of the circumstances and have no intention or motive for the present occurrence. Petitioner is aged about 65 years. Charge sheet has been submitted in this case. Victim has refused for medical examination.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim has supported the prosecution case, in her statement recorded under Section 164 of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Mohiuddin
Nagar P.S. Case No. 110 of 2024, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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