

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74774 of 2025

Arising Out of PS. Case No.-164 Year-2015 Thana- BAIRIYA District- West Champaran

Mahendra Chaudhary S/O Late Lali Chaudhary @ Lakshman Chaudhary R/O
Village- Bagahi Ratanpur, P.S- Bairiya, District- West Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar
2. X W/O Pooja Choudhary R/O Village- Bagahi Ratanpur, P.S- Bairiya, Distt.- West Champaran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mayank Mohan, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Bairiya P.S. Case No. 164 of 2015 registered for the offences

under Sections 341, 342, 323, 376, 504/34 of the Indian Penal

Code in S. Tr. No. 245/2018.

3. The accused/petitioner is named in the First

Information Report and is in custody since 29.06.2025.

4. As per FIR, petitioner alongwith co-accused person

committed rape upon the informant while she went to attend the

natural call to a nearby sugarcane field.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that after investigation, police submitted charge-sheet against only one named accused namely, Bhanu Chaudhary. It is further submitted that petitioner was not sent up for trial. It is pointed out that charge-sheet, as aforesaid, was accepted by learned Jurisdictional Magistrate and thereafter, trial was initiated against co-accused Bhanu Chaudhary, who after trial, acquitted by the learned trial court. It is submitted that against said judgment of acquittal, the appeal is pending before this Court.

6. Arguing further, it is submitted that during pendency of trial, a petition was also preferred under section 319 of the Cr.P.C. by the informant, which was allowed by the learned trial court and, thereafter, summon was issued against this petitioner, but summon, bailable warrant or NBW, as issued by the court, was never received by this petitioner and he was not aware about any pending proceeding against him. It is submitted that in the meantime, petitioner was apprehended by police. Petitioner claimed to be a man of clean antecedent.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that witnesses supported the involvement of this petitioner during the trial. It is



also submitted that petitioner was declared absconder by the court of law.

8. Let it be so, police after investigation submitted final form against the petitioner, where *prima facie* summon or warrant, as issued by the learned trial court, not appears properly served upon the petitioner, coupled with the fact that petitioner being a man of clean antecedent, remains in custody since 29.06.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Rape & POCSO Act, Bettiah, West Champaran/concerned court, in connection with Bairiya P.S. Case No. 164 of 2015 (S. Tr. No. 245/2018), subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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