

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40458 of 2017**

Arising Out of PS.Case No. -22 Year- 2017 Thana -KAHAIYA District- MUZAFFARPUR

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1. Nitish Kumar Chaudhary @ Nitish Kumar @ Nitesh Kumar, Son of  
Sitaram Chaudhary, Resident of Village- Rampur Bheriyahi, P.S.- Kathaiya,  
District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Smt. Sangeeta Sharma

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      30-08-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
24.03.2017 in connection with Trial No. 44/17, arising out of  
Kathaiya P.S. Case No. 22/17 for offences punishable under  
Sections 366-A/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that his 14 year old daughter went with the petitioner and other  
accused persons to see mela and did not return.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and the victim girl went with the  
petitioner out of her own sweetwill, as is evident from her



statement under Section 164 Cr.P.C. before the Magistrate. He submits that he has no criminal antecedent and there was a love affair, out of which the victim girl eloped. It is submitted that no coercion has been alleged by the victim girl and considering the period of custody a sympathetic consideration be given. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge, POCSO Act, Muzaffarpur, in connection with Trial No. 44/17, arising out of Kathaiya P.S. Case No. 22/17.

**(Nilu Agrawal, J)**

Rajesh/-

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