

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16484 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -MALAYPUR District- JAMUI

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Sanjay Kumar Choudhary @ Sanjay Choudhary, son of Ram Anant Choudhary, resident of Purani Sahebganj, P.S. Sahebganj Nagar, District-Sahebganj (Jharkhand)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 07.09.2016 in connection with Sessions Trial No. 269 of 2016 arising out of Malaypur P.S. Case No. 36 of 2016 for the offences alleged under Sections 366(A) of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and in any event it is evident from the deposition of the informant's daughter recorded under Section 164 Cr. P.C. that she had voluntarily accompanied the petitioner and had established physical relationship with him out of friendship. There is no allegation whatsoever of any force having been used by the petitioner. It is further submitted that there is nothing in her statement whatsoever to suggest that the petitioner had either



induced her to go with him or that she was seduced to have illicit intercourse with him. Petitioner claims clean antecedents.

4. Learned APP on the other hand opposes the bail petition on the ground that the victim is a minor girl of 16 years of age and the fact that she may have accompanied the petitioner voluntarily is of no consequence.

5. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-II, Jamui, in connection with Sessions Trial No. 269 of 2016 arising out of Malaypur P.S. Case No. 36 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the



investigation, if not already concluded, and make himself available
as and when so required and in case of failure, the State shall be at
liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/psc

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