

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58445 of 2019**

Arising Out of PS. Case No.-297 Year-2018 Thana- NOKHA District- Rohtas

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Gudu Choudhary @ Guddu Choudhary, aged about 20 years, Male, Son  
of Bhabhikan Chaudhary, Resident of Village- Raghunathpur, Police  
Station- Nokha, District- Rohtas at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

|                    |   |                                                                  |
|--------------------|---|------------------------------------------------------------------|
| For the Petitioner | : | Mr. Ajay Kumar Thakur,<br>Mr. Raghunandan Kumar Singh, Advocates |
| For the State      | : | Mr. Md. Matloob Rab, APP                                         |
| For the Informant  | : | Mr. Anand Kumar Ojha, Advocate                                   |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

3      27-11-2019                      Heard the learned Advocate for the petitioner, the  
  
informant and the State.

The petitioner, who is in custody since 08.04.2019,  
  
seeks bail in connection with POSCO Case No. 60 of 2019  
  
arising out of Nokha P.S. Case No. 297 of 2018 which has  
  
been instituted for the offences under Sections 366A and  
  
506/34 of the Indian Penal Code.

The mother of the victim girl has lodged the FIR  
  
alleging that her minor daughter has been kidnapped/  
  
abducted by the petitioner and his family members. The



victim appears to have returned home and her statement under Section 164 of the Code of Criminal Procedure has been recorded. The statement clearly reflects that the victim girl was having association with the petitioner for several months and on her asking, she was taken to Ludhiana and made to stay in the house of the friend of the petitioner. Though it is alleged in the aforesaid statement that there was sexual intercourse between the petitioner and the victim girl which is an offence as she is minor, but no element of force is alleged by her. In fact, the victim girl was not very happy with her parents and her brother and had requested the court that they should be prevented from assaulting her.

It cannot be gainsaid that if a minor girl is subjected to sexual intercourse, it does make out an offence; nonetheless, considering the background facts and the period of custody of the petitioner, which is from 08.04.2019, I am inclined to grant bail to him.

The petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned 1<sup>st</sup> Additional District & Sessions Judge, Rohtas at Sasaram in connection with POSCO Case No. 60 of 2019 arising out of Nokha P.S. Case No. 297 of 2018.

**(Ashutosh Kumar, J)**

BT/-

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