

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65925 of 2019**

Arising Out of PS. Case No.-81 Year-2017 Thana- SIMRA District- West
Champanan

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SHRI NIWASH CHAUDHARY @ SHRI NIWAS CHAUDHARY Son of
Chandradev Chaudhary @ Chanardev Chaudhary Resident of Village -
Sauraha, P.S.- Semra, Distt.- West Champanan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate.

For the Opposite Party: Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 366(A)/34 of the Indian Penal Code
registered in connection with Trial No. 3508 of 2019 arising out
of Semra P.S. Case No. 81 of 2017.

3. It is submitted that the petitioner has been falsely
implicated in a complaint-based F.I.R. in connection with alleged
kidnapping of the minor daughter of the informant. It is
submitted that the informant's daughter is a major and has
voluntarily solemnized marriage with co-accused Saheb Yadav.
The petitioner is merely a co-villager. Similarly situated co-
accused Laxmina Devi and Beyash Yadav have been granted
anticipatory bail by this Court in Cr. Misc. No. 62967 of 2019. A
statement has been made in para 5 of the petition that no
allegation has been made by the informant's daughter in her
deposition recorded under Section 164 Cr. P.C. The age of the



informant's daughter has been opined as 17-18 years in the medical report (Annexure-2). The petitioner is accused in one prior case of different nature.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 Sri Sonu Kumar, learned Judicial Magistrate 1st Class, Bagaha, (West Champaran), in connection with Trial No. 3508 of 2019 arising out of Semra P.S. Case No. 81 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further 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 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.

(iv) 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.

(Vikash Jain, J)

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