

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78580 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- JOGAPATTI District- West Champaran

1. SHAMBHU CHAUDHARY, aged about 50 years, Male, Son of Late Dasai Chaudhary, Resident of Village - Khalwa Tola, Nawalpur, Ward No.11, P.S.- Yogapati (Nawalpur), Distt.- West Champaran
2. Dhananjay Chaudhary, aged about 35 years, Male, Son of Late Dasai Chaudhary, Resident of Village - Khalwa Tola, Nawalpur, Ward No.11, P.S.- Yogapati (Nawalpur), Distt.- West Champaran
3. Gangotri Devi, aged about 45 years, Female, W/o Shambhu Chaudhary, Resident of Village - Khalwa Tola, Nawalpur, Ward No.11, P.S.- Yogapati (Nawalpur), Distt.- West Champaran ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Yogapati (Nawalpur) P.S. Case No. 19 of 2019 registered under Sections 366, 376, 506 and 34 of the Indian Penal Code.

The accusation is that in the evening of 24.10.2018, daughter of the informant was returning to her house after attending the call of nature, in the way Gangotri Devi (petitioner no. 3) and Kavita Devi convinced her to go to Madanpur, a worship place, thereafter, Gangotri Devi, Kavita Devi and five others, including petitioners 1 and 2, proceeded with her



daughter and intoxicated material was served to her, thereafter, she became unconscious and later on she found herself at unknown place and started weeping, then, Anil Choudhary asked her that she has been kidnapped for the purpose of marriage. Anyhow, daughter of the informant moved from their clutches and came to the house and narrated the incident.

Learned counsel appearing for the petitioners submits that while the occurrence is said to be of 24.10.2018 and it is detailed that the daughter of the informant returned on 08.01.2019, but, the present case has been lodged on 10.01.2019. Further, submission is that while the victim has detailed in her statement under Section 164 of the Criminal Procedure Code the names of all accused, including the petitioners, accompanying her at Madanpur worship place and on administering the intoxicating material she became unconscious and she regained unconsciousness and found her in a hotel at Lucknow where Anil Choudhary was present and he disclosed that he carried her for the purpose of marriage, then, she refused and in spite of she was physically used. Anyhow, she moved from there and reached her house on 08.01.2019. Further, submission is that, in fact, petitioners 1 and 3 are father, mother and petitioner no. 2 is brother of Anil Choudhary against



whom the victim has made allegation about committing rape forcibly for the purpose of marriage. The petitioners being the family members of Anil Choudhary have falsely been implicated in this case.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Yogapati (Nawalpur) P.S. Case No. 19 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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