

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20750 of 2020

Arising Out of PS. Case No.-59 Year-2019 Thana- LAURIA District- West Champaran

1. VIJAY CHAUDHARY S/o Jagdish Chaudhary Not Availabale.
2. Parma Chaudhary Son of Late Ramji Chaudhary Resident of Village-Baghlochana, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2020 The court proceeding has been conducted through virtual mode.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within the said period, the office will again place the matter on board.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a



case registered for the offences punishable under Sections 364/34 of the IPC.

The prosecution case, as per the written report of Lal Babu Chaudhary submitted to the Station House Officer, Lauria Police Station is to the effect that on 05.02.2019, the married daughter of the informant (Changed name- 'X') was found missing. During search, the informant came to know through villagers that she has eloped with one Dhawal Chaudhary. On enquiry, co-accused Dhawal Chaudhary was also found missing. Consequently, the petitioners were also named in the FIR as the persons who facilitated the elopement of the daughter of the informant.

Learned counsel for the petitioner submits that the victim, in her statement, recorded under Section 164 Cr. P.C., got her age recorded as 20 years, whereas the Court assessed her as 19 years, wherein she stated that she has been kidnapped by co-accused Dhawal Chaudhary, which has been facilitated by petitioners, but she has stated that physical relationship has not been established with her and considering the same, co-accused Dhamal Chaudhary has been granted regular bail by a Co-ordinate bench of this Court, vide order dated 25.10.2019 passed in Cr. Misc. No. 61937 of 2019. A statement has been made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned Counsel for the State submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that thrust of accusation is against co-accused Dhamal Chaudhary and the statement of the victim to the effect that physical relationship has not been established with her as well as the statement made in the petition to the effect that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail for the present provisionally for a period of three months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned ACJM-1, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 59 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned learned ACJM-1, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 59 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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