

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78507 of 2019

Arising Out of PS Case No.-231 Year-2019 Thana- JOGAPATTI District- West Champaran

1. Kodai Chaudhary, aged about 55 years, Male, Son of Late Mahanth Chaudhary.
2. Narmada Devi, aged about 50 years, Female, Wife of Kodai Chaudhary.
3. Krishnawati Devi, aged about 45 years, Female, Wife of Durbal Thakur.
4. Babita Devi, aged about 22 years, Female, Wife of Anil Chaudhary.

All Resident of Village - Harpurwa, P.S. - Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the State : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Sanjeev Kumar, learned counsel for the petitioners and Mr. Anil Kumar Singh No. 1, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.



3. The petitioners apprehend arrest in connection with Yogapatti PS Case No. 231 of 2019 dated 17.06.2019, instituted under Sections 366A of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioners is of abuse and threatening to assault the informant when she had gone to find out about the abduction of her minor sister by co-accused Badal Chaudhary, who is the son of petitioners no. 1 and 2.

5. Learned counsel for the petitioners submitted that they have no role in the sister of the informant having left her home. It was further submitted that the girl had voluntarily gone with Badal Chaudhary, son of petitioners no. 1 and 2, who is also accused in the case, and there was no abduction and most importantly, the petitioners are nowhere involved in any such incident. Learned counsel submitted that the girl appeared before the police and her statement has also been recorded by the Court under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code'), in which there is no allegation made against the petitioners and further it has been stated that she has herself married co-accused Badal Chaudhary and living in Punjab with him and that she has a minor daughter also born out of his wedlock and that she wanted to live with her



husband and her and her family members were threatening to kill her.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story. However, from the statement recorded by the girl under Section 164 of the Code, which has been forwarded under sealed cover to the Court and which learned APP has opened with the permission of the Court and has read to the Court, the contention of learned counsel for the petitioners is corroborated with regard to the girl herself going with Badal Chaudhary and marrying him and there being an infant baby girl born out of the wedlock and her desire to live with her husband.

7. At this juncture, the Court called upon learned counsel for the petitioners, who are the family members of Badal Chaudhary, to take a stand on the issue, learned counsel, after taking instructions, submitted that they are ready to keep the girl in the matrimonial home as the duly wedded wife of Badal Chaudhary along with the girl child, with full dignity, honour and security and also ensure that she and her child are taken full care of and are not harassed in any way, either mentally or physically.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge -cum- Special Judge (SC/ST/POCSO), Bettiah, West Champaran in Yogapatti PS Case No. 231 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall give undertaking before the Court that they shall keep the girl (sister of the informant) and the child in the matrimonial home, accepting her as wife of Badal Chaudhary, with full dignity, honour and security and that she shall be free to call, meet and talk to anyone she desires, including her relatives and also visit them, as per her wish, without any let or hindrance and that she shall not be subjected to any mental or physical torture or harassment. Any violation of the terms and conditions of the bail bonds or the undertaking shall lead to cancellation of their bail bonds, upon the girl or her family members bringing such violation to the notice of the Court concerned by filing a petition to this effect.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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