

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25368 of 2021

Arising Out of PS. Case No.-739 Year-2020 Thana- MUFFASIL District- West Champaran

JITENDRA CHAURASIA S/o Bantilal Chaurasia Resident of Village- Mahna
Ganni, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.
For the State : Mr. Chandra Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 07-12-2021 The applicant/accused in Crime No.739 of 2020 registered with Police Station-Bettiah Muffasil for the offence punishable under Section 366A read with Section 34 of the Indian Penal Code and Sec 8 of the POSCO Act by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused. By drawing my attention to the statement of the alleged victim female child made to the Magistrate under Section 164 of the Code of Criminal Procedure, he argued that the prosecution has no case in the instant matter.

Learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced.



The applicant is behind the bars from 08.01.2021.

The F.I.R. came to be lodged by the father of the victim female child. He alleged that his minor daughter is missing from the house. He suspected the applicant in the incident.

It is seen from the papers of investigation that subsequently the victim female child was found. Her statement was recorded by the Magistrate under Section 164 of the Code of Criminal Procedure. She informed the Magistrate that her age is 18 years. As per her statement to the Magistrate, she had voluntarily left her house and reached Rishikesh to join the company of the present applicant. She has stated that she married the applicant and was residing with the applicant as his legally wedded wife.

Learned counsel appearing for the applicant states that even now the so-called victim female child is staying with the parents of the applicant as the applicant is behind the bars.

The investigation of the crime in question is over. The victim female child herself has stated her aged as 18 years to the Marigstrate while recording her statement under Section 164 of the Code of Criminal Procedure. In this view of the matter, no further pretrial detention of the applicant is warranted. Therefore, the order:



(i). The application is allowed.

(ii). The applicant/accused in Crime No.739 of 2020 registered with Police Station-Bettiah Muffasil for the offence punishable under Section 366A read with Section 34 of the Indian Penal Code and Sec 8 of the POSCO Act be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(IV). The applicant will not tamper with the evidence.

The applicant to remove all office objections forthwith



and the Registry to issue bail-writ as per this order only after
removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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