

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27263 of 2021

Arising Out of PS. Case No.-84 Year-2020 Thana- RAXAUL District- East Champaran

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AJAY KUMAR CHAUHAN SON OF RAMBABU CHAUHAN @
RAMBABU MAHTO Resident of Village- Koiriya Tola, Police Station-
Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Asha Devi, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-11-2021 Heard Sri Anil Kumar, learned counsel for the
petitioner and Smt. Asha Devi, learned A.P.P. for the State.

The petitioner seeks bail in connection with Raxaul
P.S. Case No. 84 of 2020, registered under Sections 363 and
366(A)/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

From perusal of the record, it appears that vide order
dated 30.09.2021, case diary along with statement of victim
recorded under Section 164 Cr.P.C. was called for from the
Court of learned Addl. Sessions Judge-VII-cum-special Judge,
POCSO Act, East Champaran at Motihari. In compliance of the
said order, case diary along with statement of victim recorded
under Section 164 Cr.P.C. has been received from which it
appears that she has married with the petitioner on her own



will and choice and she is living with the petitioner in jail. It has further been stated by the victim in her said statement that her husband has been made accused in false case by her parents.

Learned counsel appearing for the petitioner submits that as the petitioner has not coerced or forced the victim to marry with him, he may be released on bail. He further submits that petitioner has no criminal antecedent and is languishing in custody since 11.01.2021.

Considering the aforesaid facts and circumstances of the case and the fact that victim has performed marriage with the petitioner according to her sweet will, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Raxaul P.S. Case No. 84 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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