

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36944 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- GAUNAHA District- West Champaran

Dharmendar Chaudhary, Aged about 23 years, Male, Son of Ravi Chandra Chaudhary, Resident of Village- Lachhnawta, P.O.- Dhamoura, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. K K Tiwary, Advocate

For the State : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. K K Tiwary, learned counsel for the petitioner and Mr. Rana Randhir Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Gawnaha PS Case No. 62 of 2020 dated 26.05.2020, instituted under Sections 363/366A of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner, along with others, is of kidnapping the minor daughter of the informant and also committing rape.

4. Learned counsel for the petitioner submitted that the allegation is false and there is no question of any rape or abduction as the petitioner is married and, thus, could not have



created any relationship with the girl. Learned counsel submitted that the very next day, the girl was subjected to medical examination in which no internal or external injury has been found or any evidence of recent sexual assault. Learned counsel submitted that the Medical Board has opined that with regard to her age, a Special Medical Board be created which has not been done. However, learned counsel submitted that the so-called victim girl does not have any reputation and the present case has been filed only to extort money. It was submitted that the petitioner is in custody since 05.06.2020.

5. Learned APP submitted that the allegation against the petitioner is of serious nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII-cum-Special Judge POSCO Act, Bettiah, West Champaran in Gawnaha PS Case No. 62 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the



petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

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

(Ahsanuddin Amanullah, J)

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