

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48835 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- BAIRIYA District- West Champaran

1. Ekbal Choudhary @ Ekabal Choudhari @ Akbal Choudhary S/o Late Manish Choudhary @ Manshi Choudhari R/o village- Bagahi Baswa Tola, P.S.- Bairiya, District- West Champaran, At present Village- Tilangahi Naya Tola, P.S.- Bairiya, District- West Champaran
2. Gulli Choudhary S/o Late Sheo Pujan Choudhary R/o village- Tilangahi Madhurbana, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-11-2021 Heard learned counsel for the petitioners and learned Addl. Public Prosecutor for the State.

Petitioners pray for grant of bail in Bairiya P.S. Case No. 102 of 2020, registered for the offence under Section 366(A)/34 of the Indian Penal Code and Section 8 of POCSO Act.

As per the prosecution case, on 07.03.2020, co-accused Mithu Choudhary with the help of petitioner no.1 abducted the daughter of the informant with intention to solemnise marriage with her.

It is submitted on behalf of petitioners that thrust of the accusation is against co-accused Mithu Choudhary, who has



already been granted bail by a coordinate Bench of this Court, vide order dated 22.02.2021 passed in Cr.Misc. No. 536 of 2021 (Annexure – 4). The victim girl, in her statement recorded under Section 164 Cr.P.C., has stated that co-accused Binod Mahto took her to the house of *Fua* (aunt) of co-accused Mithu Choudhary in Nepal, where she was kept for two days and thereafter, co-accused Mithu Choudhary brought her to her house. As per medical report, the doctor has not found any recent sign of sexual assault. Petitioners are in custody since 05.07.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VIIth cum Special Judge, POCSO, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 102 of 2020.

(Prabhat Kumar Singh, J.)

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