

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7060 of 2021**

Arising Out of PS. Case No.-69 Year-2020 Thana- DANDKHORA District- Katihar

SUBOL CHOUDHARY S/O Late Ram Narayan Choudhary Resident Of
Village Bekrahi, P.O.- Bijaili, P. S. - Dandkhora, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jibendra Mishra,Advocate

For the Opposite Party/s : Mr.Shailendra Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-04-2021 Heard learned counsel for the petitioner and Mr.
Shailendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dand Khora P.S. Case No. 69 of 2020 registered for the offences punishable under Sections 363, 366(A), 504, 506, 34, 376(a) of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the informant alleged that on earlier occasion his minor daughter was taken away by the co-accused Nikhil Kumar Chaudhary and after search by him and his relatives his daughter was traced out and was handed over to him safely. It is alleged that on 11.07.2020 when the informant went to tie his cow in the cowshed, Nikhil Kumar Choudhary and Rakesh Kumar have taken away his daughter somewhere with an intention to marry her. Thereafter when the informant with his wife reached in search of his daughter at the house of said accused persons then Subol Choudhary and co-accused Madan Choudhary started abusing them and threatened



them.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation against the petitioner. The petitioner is in jail since 29.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that the thrust of the allegations are against Nikhil Kumar Choudhary who was found juvenile and has been granted bail by the learned Juvenile Justice Board, so far as this petitioner is concerned, he has been made accused alleging that when the informant had gone in search of his daughter to the house of the co-accused, the petitioner had threatened the informant, Mr. Shailendra Kumar, learned APP for the State has though opposed the prayer for regular bail of the petitioner but has fairly admitted at the Bar that so far as this petitioner is concerned, there is no direct allegation against him, in the nature of the materials placed before this Court, let the petitioner be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Additional District and Sessions Judge-VI, Katihar in connection with Dand Khora P.S. Case No. 69 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

