

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24589 of 2021**

Arising Out of PS. Case No.-170 Year-2020 Thana- SABAUR District- Bhagalpur

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Mukesh Choudhary Son Of Gorakha Choudhary @ Gorakh Choudhari R/O
Village- Baijnathpur, P.S.- Sabour, Dist.- Bhagalpur Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Adv
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant as well as the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Sabour P.S.Case No.170 of 2020 , S.Tr.No.49 of 2021 registered for the offence under Sections 366(A),34 of the Indian Penal Code.

The prosecution case, in short, is that on 16.06.2020 at 3.00 P.M. the daughter of the informant had gone to the nearby house but she could not return. The informant started searching her and came to know that villager Mukesh Choudhary has kidnapped his daughter with intent to marry her, when the informant went to the house of Mukesh Choudhary,



the other accused persons abused and assaulted him.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that as per FIR the date of occurrence as mentioned in the FIR was 16.06.2020 and the present FIR has been instituted on 19.06.2020 after delay of three days without any explanation. He further submits that it appears from the record that the age of the victim girl was 18 years. He further submits that the victim girl in her statement under Section 164 Cr.P.C. has clearly stated that she has left her house on her own sweetwill with the intention to marry with the petitioner. He further submits that she has performed marriage with the petitioner on 15.06.2020. Learned counsel for the petitioner undertakes that he will keep the victim girl. Petitioner is in custody since 21.08.2020.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-XIII, Bhagalpur in connection with Sabour
P.S.Case No.170 of 2020, S.Tr.No.49 of 2021 with the following
conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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