

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40410 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. REENA DEVI @ RINA DEVI Wife of Lalan Choudhary Resident of Village- Dumari Parora, P.S. Khodawandpur (Chhaurahi O.P.), District - Begusarai.
 2. LALAN CHOUDHARY Son of Ramchandra Choudhary Resident of Village- Dumari Parora, P.S. Khodawandpur (Chhaurahi O.P.), District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR ADVOCATE GENERAL PATNA HIGH COURT

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-01-2022 Heard the parties through video conferencing.

Petitioners seek regular bail in POCSO Case No. 25 of 2021 in connection with Muffasil P.S. Case No. 208 of 2021 registered for the offence under Section 504 , 366 (A), 120 (B) of the I.P.C. and Section 4 / 6 / 8 of the POCSO Act.

As per the complaint- cum- First Information Report the co-accused / Sajan Choudhary abducted the minor daughter of the complainant- cum- informant for the purpose of establishing physical relationship and marriage. The petitioners have allegedly supported the co-accused / Sajan Choudhary in his illegal design.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and they happened to be sister and brother -in- law of the co-accused / Sajan Choudhary who allegedly abducted the daughter of the informant. He further submits that Sajan Choudhary is the brother- in- law of the victim girl and the wife of the co-accused / Sajan Choudhary on the same date has lodged a complaint against Sajan Choudhary that he tortured her mentally as well as physically for demand of dowry and has also taken away her sister i.e. the victim. Learned counsel further submits that there was love affair between the co-accused / Sajan Choudhary, who is the brother- in- law of the victim girl and the victim. Referring to paragraph- 11 of the bail application learned counsel for the petitioners submits that statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has not stated anything against the petitioners and has already said that about two years back she had solemnized marriage with Sajan Choudhary on her own free will. Accordingly, submission is that no material and / or evidence has come against the petitioners connecting them with the present offence. The petitioners are in custody since 4 / 6 / 2021 and charge sheet has already been submitted.



Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that victim girl in her statement recorded under Section 164 Cr.P.C. has not stated anything against the petitioners and the petitioners are the sister and brother- in- law of the co-accused / Sajan Choudhary against whom there is allegation of abduction and establishing physical relation, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum- Special Judge, POCSO Act, Begusarai in POCSO Case No. 25 of 2021 in connection with Muffasil P.S. Case No. 208 of 2021.

(Anil Kumar Sinha, J)

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