

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49251 of 2021

Arising Out of PS. Case No.-188 Year-2021 Thana- JOGAPATTI District- West Champaran

Arjun Chaudhary @ Arjun Kumar Son of Laljee Chaudhary Resident of
Village - Khalwa Tola Ward no.- 12, P.S.- Yogapatti (Nawalpur), District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N.Mishra, Advocate

For the Opposite Party/s : Mr. M.K.Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-08-2022 Heard Mr. P.N. Mishra learned counsel appearing on
behalf of the petitioner and Mr. M.K learned counsel for the
State.

Petitioner seeks for grant of bail who is in custody in
connection with Yogapatti Nawalpur P.S Case No. 188 of 2021
for the offences punishable under section 363, 366 (A)/34 of the
Indian Penal Code and section 4 of the Protection of Children
From Sexual Offences Act.

As per the prosecution case, it is alleged that on
09.05.2021 at about 7.00 p.m when the informant came to his
house from the market than he came to know through his wife
that all the F.I.R named accused persons had abducted the
daughter of the informant aged above 15 years with the



intention to marry her.

The learned counsel appearing on behalf of the petitioner submits that in fact there had been love affair between the petitioner and the victim girl and on the next day she herself appeared before the police and stated that she voluntarily left her house as their parents were against their relationship. It is further submitted that the statement of the victim was also recorded under section 164 of the Cr.P.C in which she has categorically stated that she has voluntarily left her house and went to the house of the petitioner and when she came to know that the father of the petitioner has instituted this F.I.R she voluntarily returned and her statement has been recorded.

Learned counsel appearing on behalf of the petitioner further submits that from the aforesaid materials, it is evident that it is not a case of abduction rather it is a case of love affair where the girl herself voluntarily left her house. It is next submitted that the victim was also examined by the medical board and her age has been assessed in between 17 to 19 years.

On the other hand, learned counsel for the state opposed the bail application of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the statement of the victim recorded



under section 164 of the Cr.P.C as also the period of custody of the petitioner since 10.05.2021 and moreover, he has fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI, cum Special Judge POCSO, Bettiah, West Champaran in connection with Yogapatti Nawalpur P.S. Case No. 188 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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