

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51676 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- DARIHAT District- Rohtas

Mithilesh Chaudhary @ Biklesh Chaudhary Son Of Late Bangali Chaudhary
@ Late Bangali Pasi Resident Of Village - Bercup, P.S.- Darihat, District -
Rohtas.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh- Sr. Advocate
Mr. Bhaskar Shankar- Advocate
For the Opposite Party/s : Mr. Choubey Jawahar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-02-2022 Heard learned senior counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with POCSO
Case No.23 of 2021 arising out of Darihat P. S. Case No.11 of
2021, instituted for the offences under Sections 363, 365, 34 of
the Indian Penal Code and Section 8 of the POCSO Act and
later on, Section 354(A)(B), 363, 306/34 of the I.P.C. was
added.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 16.03.2021, he is a person
with clean antecedent and charge-sheet has been submitted in
the case and even charges have been framed on 15.11.2021 and
the petitioner is a young boy of 19 years.

The learned counsel for the petitioner submits that the
informant alleges that her two minor daughter on 02.02.2021



left their home for Aier Kotha Bazar and later informed that they were going to Sasaram and thereafter informed that they were moving towards Dehri-on-Sone. It is further alleged that her daughter used to talk to Shakti Kumar, Manish Kumar and Goden Kumar and thus, on the basis of suspicion, it is alleged that named accused persons might have kidnapped his daughter.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioner is not named in the F.I.R. nor any suspicion has even been raised against him. It is further submitted that during the course of investigation, the dead bodies of the minor girls were recovered based on which the named of accused persons were arrested. The learned senior counsel further submits that the name of this petitioner was not disclosed by the co-accused rather based on the investigation of C.D.R., it transpired that the deceased used to talk to many boys and one of the boy was this petitioner also and as such, based on the C.D.R. investigation, that this petitioner also used to talk to the deceased, the petitioner was arrested based on suspicion.

The learned counsel for the petitioner further submits that police after investigation has submitted charge-sheet under Section 306 of the I.P.C. and other allied Sections of the I.P.C.



and the post mortem report also discloses as asphyxia due to drowning.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and even charges have been framed and is a young boy of 19 years, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Rohtas at Sasaram in connection with POCSO Case No.23 of 2021 arising out of Darihat P. S. Case No.11 of 2021, subject to condition that one of the bailers shall be the brother of the petitioner namely, Mahabharat Choudhary.

The application stands allowed.

(Satyavrat Verma, J)

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