

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50337 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- SULTANGANJ District- Bhagalpur

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SANDEEP KUMAR CHOUDHARY S/O ARUN CHOUDHARY Resident of Dhawza Gali, P.O. and P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Sultanganj P.S. Case NO. 35 of 2022 for the offence registered

under Sections 363, 366(A)/34 of the Indian Penal Code and

Section 8 of the POCSO Act.

As per the prosecution story, the informant, Sakila

Bano has alleged that she runs a grocery shop where her

daughter also used to sit. The petitioner used to come and

harass her. On 12.02.2022, her daughter went missing and upon

search, when she was not traced out, the informant suspected



that the petitioner had enticed her daughter for the purpose of marriage. Accordingly, the FIR was lodged.

Learned counsel for the petitioner has brought attention of this Court to Annexure-4 & 6 of the bail application. While Annexure-4 is the 'Aadhar Card' of the victim girl which shows her date of birth is 03.03.2001 i.e she was 21 years of age and further her statement under Section 164 Cr.P.C. (Annexure-6), where she clearly stated that she had brought papers on 12.02.2022 for preparation of her date of birth certificate which was seen by her mother and they assaulted her. She thereafter left home along with the petitioner herein and went to Bhagalpur Railway Station. When she heard about her abduction in the newspapers, she on her own came to the police station.

Mr. Sanjiv Kumar, learned counsel for the petitioner however, submits that subsequently after the lodging of the FIR, the parents prepared another 'Aadhar Card' of the victim girl in which her date of birth has been changed from 03.03.2001 to 03.03.2005

Taking into consideration the aforesaid facts which have been brought on record in the bail application having conflicting 'Aadhar Card', one showing the date of birth



03.03.2001 while the other 03.03.2005 as also the statement of the victim girl under Section 164 of the Cr.P.C. in which she has narrated the story that she left with the petitioner on her own and went to Bhagalpur railway station and once she read the newspaper, went to the police station as also the fact that he is in custody since 14.02.2022 (as stated in paragraph-16 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Judge (POCSO) cum 7th Additional District and Sessions Judge, Bhagalpur in connection with POCSO Case NO. 25 of 2022 arising out of Sultanganj P.S. Case No. 35 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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