

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62195 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. DUKHI CHAUDHARY S/O LATE LALJI CHAUDHARY R/o village- Nuniyawa Tola, P.S.- Bhairoganj, District- West Champaran
 2. NITU KUMARI D/O DUKHI CHAUDHARY R/o village- Nuniyawa Tola, P.S.- Bhairoganj, District- West Champaran
 3. KUNJANI DEVI @ KUNJALI DEVI W/O DUKHI CHAUDHARY R/o village- Nuniyawa Tola, P.S.- Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 337, 376, 504, 506 and 34 of the Indian Penal Code read with Sections 4 and 12 of the POCSO Act and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 04.09.2020 when her minor daughter was changing her clothes after bath, the informant realised that her



daughter was pregnant and upon inquiry, the victim disclosed that about seven months back when she had gone to attend call of nature, Sugandh Choudhary had raped her and threatened her of dire consequences and had also promised her to marry and continued to establish physical relation on the pretext of false promise. The informant and her husband went to the house of Sugandh Chaudhary where the petitioner and other family members started abusing and assaulting them and even demanded Rs. 2 lakhs as dowry for performing marriage.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that on the face of it, the allegation appears to be absurd, it is next submitted that it absolutely does not stand to reason that Sugandh Chaudhary would have continued to establish physical relation with the victim for nearly more than seven months and the victim would not have disclosed it had she not been a willing party. Learned counsel submits that the police after investigation submitted final form in favour of the petitioners who are father, sister and mother of Sugandh Chaudhary but the learned court below in a mechanical manner and even without appreciating the facts in its correct perspective, differed with the police report and took cognizance



against the petitioners by placing reliance on the same case diary by which the police had exonerated them.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bagaha Mahila P.S. Case No. 43 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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