

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16971 of 2023

Arising Out of PS. Case No.-384 Year-2021 Thana- JAGDISHPUR District- Bhojpur

SANJAY CHAUDDHARY @ SANJAY KR CHAUDHARY S/o- Ram
Subhag Chaudhary Resident of Village- Mehan Tola, Ps- Jagdishpur, Dist-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.07.2022 in connection with Jagdishpur P.S. Case No. 384 of
2021, F.I.R. dated 23.09.2021 registered for the offence
punishable under Sections 363,366(A) and 34 of IPC.

3. The prosecution case, in short, is that on
17.09.2021, the informant alleged that accused persons
including the petitioner are alleged to have kidnapped the minor
daughter (the victim) of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. From bare perusal of



the FIR it appears that the date of occurrence as alleged in the FIR is 17.09.2021 but the present FIR has been instituted on 23.09.2021 after delay of about six days without giving any explanation of delay. Further submits that the informant is not the eye witness of the alleged occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.07.2022.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has abducted her and petitioner has also committed rape upon her but fairly submits that from bare perusal of the statement of the victim under Section 164 Cr.P.C., it also reflects that due to admitted land dispute, the present occurrence had taken place and Annexure-2 of the bail petition suggests that the compromise has been filed by the parties before the learned Trial Court.

6. In view of the aforesaid, let the petitioner, above named, be released on bail **after framing of the charges, if not framed**, on furnishing bail bond of Rs.10,000/- (Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned A.D.J.-13, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 384 of 2021, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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