

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22179 of 2023

Arising Out of PS. Case No.-907 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Raju Chaudhary, Son of Sri Manoj Choudhari @ Sri Manoj Kumar Jaiswal,
Resident of Dhima Ward No. 11, P.S.-Banmankhi, District-Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Nilima Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with K. Hatt P.S. Case No.907 of 2022 registered for the
offences punishable under Sections 363, 366-A read with 34,
and 376 of the Indian Penal Code as well as Sections 3, 4 and 8
of the Protection of Children from Sexual Offences Act and
Section 9 of the Child Marriage Prohibition Act.

3. The accused/petitioner is named in the FIR and is
in custody since 13.09.2022.

4. Allegation against the petitioner is to kidnap minor
daughter of informant aged about 14 years along with other co-
accused persons for the purpose of illicit intercourse/marriage.

5. It is submitted by learned counsel that petitioner



has been falsely implicated in present case, as love affair of victim with petitioner was not accepted by family members of the victim including informant of this case. It is pointed out that after recovery of victim, her statement under Section 164 of the Cr.P.C. was recorded, where she has categorically stated that she solemnized her marriage with petitioner out of her own sweet will. It is further submitted that as per medical examination, the age of victim was assessed above 19 years and she appears to be 14 years at the time of occurrence. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as allegation of kidnapping and sexual assault is not available as per statement of victim recorded under Section 164 Cr.P.C. rather she stated thereof that she solemnized her marriage out of her own sweet will with this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.09.2022, accordingly, the



petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-VI-cum-Special Judge, POCSO Act, Purnea in connection with K. Hatt P.S. Case No.907 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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