

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32545 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- PANCHRUKHI District- Siwan

RAJESH CHAUCHAN @ RAJESH KUMAR CHAUHAN son of Yogendra
Chauhan R/o Village- Gosayi Chapra Ps- Sarai OP Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Zainul Abedin,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mrs.Kumari Anupam, learned counsel for the
petitioner and Mr.Zainul Abedin, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Pachrukhi (Saray O.P.) P.S.Case No. 259 of 2022, FIR dated 01.11.2022 registered for the offences punishable under Sections 363,366(A), 34 of IPC and Sections 4/8 of POCSO Act.

3. The prosecution case, in short, is that on 31.10.2022, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 16 years of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case merely on the ground that the petitioner is



brother of the main culprit, namely, Raju Chauhan and from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner and the petitioner has been made accused in this case merely on the ground that the petitioner is brother of the main culprit, namely, Raju Chauhan.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has been made accused in this case merely on the ground that the petitioner is brother of the main culprit, namely, Raju Chauhan, petitioner has not committed anything wrong with the victim girl and statement of the victim also suggests that the petitioner was not committed anything wrong with her, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI-cum-Spl. Judge, POCSO, Siwan in connection with Pachrukhi (Saray O.P.) P.S.Case No. 259 of 2022, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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/her criminal antecedents, 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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