

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32331 of 2023**

Arising Out of PS. Case No.-856 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Vikash Kumar Chaupal @ Vikas Chaupal, Son of Umesh Chaupal, Resident
of Village - Mohammadpur, P.S.- Sadar (Sonki O.P.), Distt.- Darbhanga.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 11-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sadar (Sonki O.P.) P.S. Case No.856 of 2022 registered for
the offences punishable under Sections 363, 366-A and 506 read
with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 03.01.2023

4. Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 15 years for the
purpose of illicit intercourse/marriage.

5. It is submitted by learned counsel that as love affair
of petitioner with victim girl was not approved/accepted by her
parents including informant, the present false implication was



raised. It is pointed out that after recovery, the statement of victim was recorded under Section 164 of the Code of Criminal Procedure, where she categorically negated allegation of kidnapping and sexual assault against this petitioner rather she stated that she out of her own will, went upto Haridwar along with this petitioner and solemnized her marriage there with petitioner. While concluding argument, it is submitted that investigation of this case is 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 and by taking note of fact as allegation of sexual assault and kidnapping is not available against this petitioner as per statement of victim recorded under Section 164 of the Code of Criminal Procedure, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.01.2023, 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 Chief Judicial



Magistrate, Darbhanga in connection with Sadar (Sonki O.P.)
P.S. Case No.856 of 2022 subject to the conditions as laid down
under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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