

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27500 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- DHANSOI District- Buxar

Indal Kumar Chaudhari son of Ramniwas Chaudhari, Resident of Villlage
Parwatchak, P.S. Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
07.02.2023, in connection with Dhansoi P.S. Case No. 16 of 2023,
F.I.R. dated 01.02.2023 registered for the offences punishable
under Sections 363, 366(A) of the Indian Penal Code and Section
8 of the POCSO Act.

3. The prosecution case, in short, is that on
29.01.2023 accused persons including the petition are alleged to
have kidnapped the minor daughter of the informant aged about
15 years for the purpose of marriage.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not supported the case of the prosecution and she has categorically stated that the petitioner has not committed anything wrong with her and medical of the victim was not examined as yet and she has refused for her medical examination and as per the date of birth of the victim is concerned, the date of birth is 09.09.2003 but the I.O. has wrongly mentioned her date of birth is 09.09.2008. Learned counsel for the petitioner has annexed the photo copy of the Aadhar Card of the victim which suggests that her date of birth is 09.09.2003 and not 09.09.2008 and from perusal of the Aadhar card it appears that the victim was major at the time of occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District & Sessions Judge-VIth-cum-Special Court (POCSO Act), Buxar, in connection with Dhansoi P.S. Case No. 16 of 2023, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 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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