

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27924 of 2023

Arising Out of PS. Case No.-186 Year-2021 Thana- NAUTAN District- West Champaran

Birendra Kumar @ Birendra Chaudhary @ Tamater Son Of Jokhu Chaudhary
Resident Of Village- Neya Tola Bankatwa, Ps- Nautan , Distt- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Nautan
P.S. Case No. 186 of 2021 registered for the offence under
Sections 366-A/34 of the Indian Penal Code, under Sections 3(i)
(r), 2(v-a) of the SC/ST Act and under Section 08 of the POCSO
Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 15.04.2022.

4. The allegation against the petitioner is to kidnap the
minor daughter of the informant, aged about 15 years, alongwith
co-accused persons/family members for the purpose of illicit
intercourse/marriage.



5. Learned counsel appearing on behalf of the petitioner submitted that victim went on her own with this petitioner and solemnized her marriage out of her own sweet will. It is submitted that marriage certificate regarding marriage of petitioner with victim also obtained from District Sub-Registry-cum-Marriage Officer, West Champaran dated 11.02.2022 showing that marriage solemnized on 04.12.2020 much prior to the date of occurrence. It is also submitted that victim is living happy married life with this petitioner. It is submitted that victim nothing deposed incriminating against this petitioner as **PW 1**, before learned Trial Court and as such to keep this petitioner behind the bar for any further period shall not serve the purpose of justice. While concluding the argument, it has been 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, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as marriage certificate (in annexure-2 of the present bail petition) suggests that victim solemnized her marriage out of her own sweet will with this petitioner much



prior to the alleged occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.04.2022, accordingly, above named petitioner is directed to be released on bail in connection with Nautan P.S. Case No. 186 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-Additional Session Judge, West Champaran, Bettiah/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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