

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28183 of 2023

Arising Out of PS. Case No.-510 Year-2020 Thana- CHANPATIA District- West Champaran

Chhotelal Sharma Son Of Bharat Sharma Resident Of Village Barwachap
Police Station Chanpatiya District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
06.11.2022 in connection with Chanpatiya P.S. Case No. 510 of
2020, F.I.R. dated 03.10.2020 for the offences punishable under
Sections 363, 366(A)/34 of the Indian Penal Code.

3. According to prosecution case, in brief is that on
30.09.2020 at about 7:00 A.M. went to Tikuliya Chowk to bring
tea in the meantime the accused persons named in the F.I.R.
including the petitioner of this case have collectively conspired
the case and abducted the victim girl for the wrong purpose of
marriage.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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., in fact the petitioner was in love with the victim and the petitioner has solemnized the marriage with the victim. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has also support the contentntion of the petitioner that she has performed the marriage with the petitioner and at the time of medical examination she was pregnant and as per medical report she was major. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West



Champaran in connection with Chanpatiya P.S. Case No. 510 of 2020, subject to the following conditions:-

1. One of the bailor should be victim/wife of the petitioner namely, Kajal Kumari.

2. 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.

3. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. 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 antecedent, 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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