

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29475 of 2023

Arising Out of PS. Case No.-1197 Year-2022 Thana- KAHALGAON District- Bhagalpur

Dheeraj Choudhary, Son of Sikandar Mandal @ Choudhary, Resident of
Fatehpur, P.O.- Dhanokhar, P.S.- Sanokhar, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Kahalgaon P.S. Case No.1197 of 2022/(POCSO Case No.7
of 2023) registered for the offences punishable under Sections
366-A read with 34 of the Indian Penal Code, but subsequently,
charge-sheet has been submitted under Section 376(1) read with
34 of the Indian Penal Code and Section 4 of the Protection of
Children from Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is
in custody since 09.11.2022.

4. Allegation against the petitioner is to kidnap the
minor daughter and niece of informant along with other named
co-accused persons for the purpose of illicit



intercourse/marriage.

5. It is submitted by learned counsel that petitioner has been falsely implicated with present case as his love affairs with daughter and niece of informant was not accepted by their parents including the informant. It is pointed out that after recovery, the statement of victim was recorded under Section 164 of the Code of Criminal Procedure, where she completely denied the allegation of kidnapping and sexual assault rather she stated specifically that she went out of her own will with petitioner upto Naugachia, where she solemnized marriage with the petitioner. While concluding argument, it is submitted that the petitioner is man of clean antecedent and moreover investigation of this case has been 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, as victim negated allegation of kidnapping and sexual assault against this petitioner through her statement 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 09.11.2022, 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 Additional District and Sessions Judge-VII-cum-Special Judge, POCSO, Bhagalpur in connection with Kahalgaon P.S. Case No.1197 of 2022/(POCSO Case No.7 of 2023), subject to the conditions as laid down under Section 437(3) of the CrPC

(Chandra Shekhar Jha, J.)

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