

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30087 of 2023

Arising Out of PS. Case No.-625 Year-2022 Thana- HISUWA District- Nawada

Madan Chaudhary, S/o Moti Chaudhary, R/o Village-Dhamoul, P.S-Hisua,
Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Anil Prasad Singh No.1, APP
For the Informant	:	Mr. Sunil Kumar, Advocate
		Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Hisua P.S. Case No.625 of 2022 registered for the offence
punishable under Section 366-A read with 34 of the Indian
Penal Code.

The accused/petitioner is not named in the FIR and
is in custody since 03.02.2023.

Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 14 years for the
purpose of illicit intercourse/marriage

It is submitted by learned counsel that petitioner
has been falsely implicated with present case as his love affairs



with victim was not accepted by her parents including the informant. It is submitted that after recovery, the statement of victim girl was recorded under Section 164 of the CrPC, where she completely denied the allegation of sexual assault against this petitioner and maximum allegation what appears from her statement is to record obscene video and to upload the same on facebook but, no supportive/corroborative evidence *qua* allegation was collected during the course of investigation by the police. While concluding argument, it is submitted that the petitioner is a 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.

Learned APP duly assisted by Mr. Sunil Kumar, learned counsel for the informant vehemently opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as allegation of sexual assault is not available against this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.02.2023, 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 Additional District and Sessions Judge-VI-cum-Special Judge (POCSO) Act, Nawada in connection with Hisua P.S. Case No.625 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not interact with informant/victim or any family members and prosecution witnesses so as to influence them in whatsoever manner during the pendency of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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