

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30138 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- ROHTAS District- Rohtas

BHAGTI CHOUDHARI Son of Rabindra Choudhari Resident of village -
Jiwan Bigaha, P.S. - Jamhore, Dist. - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 21-08-2023 Heard the parties.

The petitioner is in custody in connection with Rohtas P.S. Case No. 30 of 2023 for the offence under sections 363, 366(A)/34 of the Indian Penal Code lodged on 06.02.2023 by the informant, Lalti Kunwar.

As per the prosecution story, the informant's minor girl disappeared and the allegation is against the petitioner as also his family members. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that subsequently, the victim girl returned and has not supported the prosecution story as reflect from her deposition under section 161, 164 of the Cr.P.C. in which she has stated that she moved from home on her own as her uncle used to abuse her regularly. She has further narrated that she want to go to her in-laws



house.

Learned APP opposes the prayer for bail.

Considering the facts on record as also that the petitioner is in custody since 02.03.2023, do not have criminal antecedent, is only 19 years of age, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District Judge-VII-cum-Exclusive Special Judge, Prevention of Children from Sexual Offences (POCSO) Act, in connection with Rohtas P.S. Case No. 30 of 2023 subject to the following conditions:

(i) one of the bailor should be the victim girl who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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