

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31306 of 2023

Arising Out of PS. Case No.-687 Year-2022 Thana- PURNEA SADAR District- Purnia

Azad Chouhan @ Aatish Chouhan Son of Rupesh Chouhan Resident of
village - Sapni Kadwa Dangi, P.S. - Mufassil, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Purnia
Sadar P.S. Case No. 687 of 2022 registered for the offence under
Sections 363, 365, 366-A and 367/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.09.2022.

The allegation against the petitioner is to kidnap the
minor niece of informant aged about 17 years alongwith co-
accused persons/family members for the purpose of illicit
intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that the present implication was made against petitioner out of failed love affairs as same was not accepted by the parents/guardian of the victim girl. It is submitted that victim did not raised any allegation regarding sexual assault against this petitioner through her statement recorded under Section 164 of the Cr.P.C. It is also pointed out that victim refused to join medical examination. 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.

Learned APP, while opposing the prayer of bail submitted that allegation of kidnapping is available against this petitioner.

Considering the facts and circumstances as mentioned above, and by taking note of the fact that allegation of sexual assault is not available as per the statement of the victim recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.09.2022, accordingly, the petitioner, above named, is directed to be released on bail in connection with Purnia Sadar P.S. Case No. 687 of 2022 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO), Purnia/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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