

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31430 of 2023

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

Krishna Chouhan S/O Late Ashok Chouhan R/O Village- Majhwa Gaura, 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 not 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 regard to 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 as allegation of sexual assault is not available against petitioner 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 been 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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