

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36903 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- BAIRIYA District- West Champaran

1. MANOJ CHAUDHARY @ MANOJ KUMAR SON OF SRI RAICHAN CHAUDHARY R/O VILLAGE- BAGAH MUKHIYA JI KE TOLA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
2. CHUNNILAL CHAUDHARY SON OF SRI RAICHAN CHAUDHARY R/O VILLAGE- BAGAH MUKHIYA JI KE TOLA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN
3. RAICHAN CHAUDHARY SON OF LATE BHAGIRATHI CHAUDHARY @ BHAGIRATHI CHAUDHARY R/O VILLAGE- BAGAH MUKHIYA JI KE TOLA, P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Informant	:	Mr. Binay Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 20-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 366A read with section 34 of the Indian Penal Code and section 12 of the POCSO Act.



As per the prosecution case, the petitioners are alleged to have kidnapped the minor daughter of the informant. When the informant went to make complain to the house of the petitioner Manoj Chaudhari, he assured him to return the said girl but the said girl was not returned and they also threatened him.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner no. 2 Chunnilal Chaudhari is the brother of the petitioner no.1 Manoj Chaudhari and the petitioner no. 3 Raichan Chaudhari is the father of the petitioner no.1 Manoj Chaudhari. The main allegation against the petitioner no. 1 Manoj Chaudhari. The petitioner no. 2 and the petitioner no. 3 are made accused in the case only because they are the brother and the father of the petitioner no. 1 Manoj Chaudhari respectively. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner no. 2 Chunnilal Chaudhary and the petitioner no. 3 Raichan



Chaudhari, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 272 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioners is liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application for the petitioner no. 2 Chunnilal Chaudhari and the petitioner no. 3 Raichan Chaudhari stands allowed.



Considering the aforesaid facts and circumstances of the case as well as the main allegation against the petitioner No. 1 Manjoj Chaudhari, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

The application for the petitioner no. 1 Manoj Chaudhari stands rejected.

(Chandra Prakash Singh, J)

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