

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39935 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- PIRO District- Bhojpur

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Kundan Choudhary S/O Birendra Choudhary, R/O Village- Narayangarh, PS.
Piro, Distt. - Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Triloki Yadav S/O Late Jagernath Yadav R/O Village- Narayangarh, PS.
Piro, Distt.- Bhojpur, Ara.

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Piro P.S.
Case No. 109 of 2023 dated 12.03.2023 registered for the offences
punishable under Sections 366-A, 341, 342, 323, 504, 120B/34 of
Indian Penal Code.
3. The main submissions advanced by learned counsel for
petitioner are that the petitioner is a young boy and the
investigation against him has been completed and the allegations
levelled in the FIR are totally false, in fact, the so called victim
had love affair with this petitioner owing to which she herself went
to the petitioner's home with her own consent and the said fact
was recorded by her before the Judicial Magistrate in the statement
recorded under Section 164 of Cr.P.C. and admittedly, she lived at

the petitioner's house for one night and the said fact came in the knowledge of the victim's family, but they did not take any legal action against the petitioner and his family members and moreover, before the Judicial Magistrate the victim did not make any serious allegation of physical harassment by this petitioner. Further submission is that the petitioner has been languishing in jail since 13.03.2023 having fair and clean antecedent.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's young age and the completion of investigation against him and also the fact that the alleged occurrence took place on 11.03.2023 at 06:00 PM and the same came into the knowledge of the informant but he remained silent on that night and lodged the FIR on the next day i.e. on 12.03.2023 and as per the above submission, the victim herself went to the petitioner's house and also taking into account the petitioner's fair and clean antecedent, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with **Piro P.S. Case No. 109 of 2023, on the following conditions that:**

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the trial Court will take serious action against him by cancelling his bail bond.

(Shailendra Singh, J)

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