

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44284 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- DEHRI TOWN District- Rohtas

Prakash Kumar Choudhary @ Jai Prakash Kumar Chaudhary @ Pakka Chaudhary, Son of Birendra Chaudhary Resident of Village - Tar Bangala, Ward No.- 38, P.S.- Dehri (Town), District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamata Kumari, Daughter of Late Krishna Singh, C/O Sunil Kumar Singh, Resident of Village - Tar Bangala, Ward No.- 38, P.S.- Dehri (T), District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Nityanand, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dehri (Town) P.S. Case No.146/2023 lodged on 25.02.2023
under Section 363, 366A of the Indian Penal Code.

3. As per the prosecution, the sister-in-law of the
informant who started residing with him after the death of her
father and mother, has been kidnapped by the petitioner on
14.02.2023 with the help of other accused persons with an
intention to marry her. The accused persons also alleged to have
stolen a gold chain and a paayal from the house of the



informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the 164 Cr. P.C. statement of the victim suggests that the victim eloped with the petitioner with her own sweet will. He further submits that the petitioner and the victim both went to Jammu and Kashmir where they performed marriage. The petitioner is in custody since 11.04.2023 having a clean antecedent. For the occurrence of 14.02.2023, the FIR was lodged on 25.02.2023. He further submits that the doctor has opined the age of the victim as 19 years and a statement to that effect has been made in para 9 of the petition.

5. Learned counsel for the State opposes the prayer for bail and submits that in 164 of the Cr. P.C. statement, the allegation of kidnapping is not there rather it has been stated that with consent the victim left the house of her brother-in-law. The doctor has opined the age of the victim as 19 years.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and



Sessions Judge VII-cum-Exclusive Special Judge POCSO Act,
Rohtas at Sasaram in connection with Dehri (Town) P.S. Case
No. 146/2023, subject to the following conditions:

(i) one of the bailor should be the family member of
the petitioner who shall provide official document to show his
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
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J)

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