

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48611 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- SURSAND District- Sitamarhi

1. DINESH CHOUDHARY Son of Paltu Choudhary Resident of Village - Majhaura, Police Station- Sursand, District - Sitamarhi.
2. Naresh Choudhary Son of Paltu Choudhary Resident of Village - Majhaura, Police Station- Sursand, District - Sitamarhi.
3. Mahesh Choudhary Son of Paltu Choudhary Resident of Village - Majhaura, Police Station- Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3194 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- SURSAND District- Sitamarhi

NIRMALA DEVI Wife of Late Suresh Chaudhary R/v- Majhaura, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48611 of 2022)

For the Petitioner/s : Mr.Madhusudan Rai, Advocate
Ms. Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore

(In CRIMINAL MISCELLANEOUS No. 3194 of 2023)

For the Petitioner/s : Ms.Madhubala Verma

For the Opposite Party/s : Mr.Binod Kumar

For the informant : Mr. Pushpendra Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-04-2023 Heard learned Counsel for the parties. The above-mentioned two bail applications are heard together.

2. Considering the fact that both the applications



arises from same P.S. Case, i.e, Sursand P.S. Case No. 107 of 2022, registered for the offences punishable under Section 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution story in brief is that on 03.03.2022 at 07:00 O' clock in the evening informant's daughter, aged about 16 years had gone to attend the call of the nature out of the house and could not return, then the family members started searching for her. In course of search of the victim girl, the villagers had informed that Vinay Chaudhary S/o Suresh Chaudhary, Ajay Chaudhary S/o Suresh Chaudhary, mother of Vijay chaudhary. Petitioner no. 1 Nirmala Devi in Cr. Misc. No.3194 of 2023, Dinesh Chaudhary, Naresh Chaudhary, Mahesh Chaudhary (petitioners in Cr. Misc. No.48611 of 2022), of village Majhaura, P.S- Sursand, Dist.- Sitamarhi had boarded into four wheelers vehicle and the moment they reached all the accused persons had fled away with the vehicle. Thereafter, the informant went to the house of the accused to search the victim but they started assaulting and abused them. The accused persons threatened to sell the informant's daughter or they will engage her immoral activities. They also threatened to kill the victim which led to lodge FIR regarding kidnapping of daughter



for the purpose of marriage.

4. Learned counsel appearing for the petitioners submits that petitioners are neighbour of co-accused, Vinay Choudhary. It is further submitted that the victim in her statement recorded under Section 164 Cr.P.C. has admitted that her aged is about 19 years and she has willingly performed marriage with one co-accused, Vinay Choudhary. Petitioner has no role either in kidnapping of the victim or to have forced her to marry with co-accused, Vinay Choudhary.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Records and the FIR reveals the age of the victim 16 years 9 months, however, no medical examination of the victim has been done by the Medical Board till date.

7. Let the petitioners, named above (in both Cr. Misc. No.48611 of 2022 and Cr. Misc. No.3194 of 2023), in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI,-cum-Special Judge (POCSO), Sitamarhi, in connection with Sursand P.S. Case No. 107 of 2022, subject to



the condition laid down under Section 438 (2) of the Code of Criminal Procedure and with a further condition that if the statement made in paragraph No.3 of the present bail application with respect to the criminal antecedent of the petitioner is found to be incorrect, this order will automatically will lose its force.

(Purnendu Singh, J)

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