

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52129 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- DHANAHA District- West Champaran

RAJU CHOUDHARY @ RAJU SAHANI SON OF PAPPU CHOUDHARY
RESIDENT OF VILLAGE- KARAIHIYA, BASAULI, PS- BHITAH, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Dhanaha P.S. Case No. 188 of 2021 registered under Sections 363 and 366(A) of the Indian Penal Code and Section 8 of the POCSO Act lodged on 30.10.2021 by the informant, Sharda Devi.

As per the prosecution story, the victim girl went to attend nature's call and allegation is that this petitioner took her away. The informant also alleged that the girl while leaving also took jewellery and Rs. 10,000/ in cash. Accordingly, the FIR

It is the case of the petitioner that the victim girl



married him and they are now blessed with a child. It is his further submission that erroneously, the judicial custody has been incorporated in paragraph-11 as 08.05.2019 whereas he actually surrendered on 08.05.2023 and the certificate dated 08.05.2023 has been provided to the Court.

Let the same be kept on record.

Learned APP for the State opposes the prayer for bail stating that the petitioner abducted a minor girl.

Taking into account the fact that in the FIR the informant states that the girl before leaving the house took away jewellery and cash, the petitioner do not have criminal antecedent, is in custody since 08.05.2023, the couple is now blessed with a child and he will be facing the trial as the FIR has been lodged, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -VII cum- Special Judge (POCSO), West Champaran, Bettiah in connection with Dhanaha P.S. Case No. 188 of 2021, 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/her *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/her bail bond by the Trial court itself;

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

(iv) 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.

(Rajiv Roy, J)

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