

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52000 of 2023

Arising Out of PS. Case No.-610 Year-2022 Thana- JOGAPATTI District- West Champaran

VIKASH KUMAR CHAUDHARY Son of Late Doma Chaudhary @ Dorwa Chaudhary Resident of village - Nawalpur, ward no. 08, P.S. - Jogapatti, Distt. - West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Jogapatti (Nawalpur) P.S. Case No.610 of 2022 instituted under Sections 363, 366A/34 of the IPC, 8/12 of the Protection of Children from Sexual Offences Act and 3(1)(r)(s) 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act lodged on 12.11.2022 by the informant Kamlawati Devi.

As per the prosecution story, the informant alleged that his daughter was found missing and came to know that this petitioner along with his family members have taken her away. Accordingly, the FIR.

It is the case of the petitioner that they were in relationship, subsequently married and were living as couple when the police picked him up and is in jail since 29.11.2022



(para-11 of the petition). The further submission is that the girl in her 161 Cr.P.C. statement did not supported the prosecution story and only due to her age, as per school certificate, she is a 2007 born child, she returned to her parents.

Learned APP opposes the prayer for bail.

Considering the facts on record, submissions put forward by the learned counsel for the petitioner , he do not have criminal antecedent, has remained in custody since 29.11.2022, FIR lodged ultimately will face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jogapatti (Nawalpur) P.S. Case No.610 of 2022 to the satisfaction of learned Additional Sessions Judge VI-cum-the Special Judge, under POCSO Act, West Champaran at Bettiah, subject to 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 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 the 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)

Prakash Narayan /-

U		T	
---	--	---	--

