

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51091 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- SIKARPUR District- West Champaran

Makhan Chaudhary, Son of Sri Sudarshan Chaudhary, Resident of village -
Mangrahari, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Shikarpur P.S. Case No. 315 of 2022 registered for the offences punishable under Sections 363/366-A/34 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 07.04.2022 at about 08:00 P.M., the daughter of the informant went out of her house to call some women for Chhath but did not return. On 12.04.2022, at about 11:00 A.M., the son of the informant received a call from Vikash Patel informing him that he had kidnapped his sister on motorcycle by pressing her mouth with the help of other co-villagers to sell her in flesh trade who accompanied him up to Narkatiaganj Railway Station. One co-



accused gave Rs.15,000/- to Vikash Patel to meet expenses.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim girl on her own volition, married this petitioner.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the statement of the victim girl that she is 18 years old and on her own volition, she had established relationship with the petitioner and solemnized marriage with him, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Shikarpur P.S. Case No. 315 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-the Special Judge, under POCSO Act, West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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