

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53647 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

JHAMU CHOUDHARY @ CHINTU KUMAR SON OF SANTOSH
CHAUDHARY @ SANTOSH CHAUDHARI RESIDENT OF VILLAGE -
MURADPUR DULLAH, P.S. - AHIYAPUR, DISTRICT - MUZAFFARPUR
- 842004

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Ahiyapur P.S. Case No. 364 of 2023 for the offence under sections 341, 323, 504, 307/34 read with section 27 of the Arms Act and also read with section 8 and 12 of the POCSO Act lodged on 28.03.2023 by the informant, Vijay Paswan.

As per the prosecution story, the informant alleged that the petitioner and one Suman Kumar assaulted his son and also opened fire which fortunately did not hit him. The reason is that the petitioner used to flirt the informant's daughter which was being opposed that led to the present occurrence. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is a



young boy, a student, have suffered by being in custody since 03.05.2023 (as stated in paragraph 11 of the petition). Though, he concedes that he has criminal antecedent.

The petitioner undertakes never to have any communication either with the minor girl or her parents.

Learned APP opposes the prayer for bail he used to tease the minor daughter of the informant and upon opposition, the present occurrence.

Considering the age of the petitioner i.e. 20 years, is in custody since 03.05.2023 as also the fact that there is no injury on the informant side, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO), Muzaffarpur, in connection with Ahiyapur P.S. Case No. 364 of 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/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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(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 his bail bonds;

(vi) The petitioner undertakes never to have any communication either with the minor girl or her parents.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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