

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58858 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- ITARHI District- Buxar

RAKESH CHAUHAN SON OF HARENDRA CHAUHAN @ HARENDRA
CHAUDHARI RESIDENT OF VILLAGE - PARVAT CHAK, P.S. -
DHANSOI, DISTRICT - BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with registered under Sections 365, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act lodged on 13.04.2023 by the informant, Santosh Kumar Bhagat.

3. As per the prosecution story, the informant alleged that victim girl went out but failed to return and further when her friend enquired about it, she failed to give any satisfactory answer and accordingly, she alleged that one of her relative, Rakesh Chauhan had taken away his daughter for the purpose of marriage. Accordingly the FIR.

4. Learned counsel for the petitioner submits that



subsequently the victim girl returned and narrated that she on her own went with the petitioner to Mumbai on 06.04.2023 and returned to Buxar on 20.05.2023 and in between, she married him in a temple in Mumbai and was living as husband and wife. This fact also found incorporated in the order sheet of learned Session's Judge.

5. Learned APP opposes the prayer for bail stating that allegation against him is that he took the minor girl.

6. Taking into account the fact that the FIR has been lodged and the petitioner will have to face the trial so far as the bail part is concerned, in view of the statement made by the Victim girl under Section 164 of the Cr.P.C. and further he is in custody since 21.05.2023 (as stated in paragraph-10 of the petition), do not have criminal antecedent and is a young boy of 25 years, this Court is inclined to grant him privilege of bail.

7. 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 ADJ-VI cum Special POCSO Court, Buxar in connection with Itrahi P.S. Case No. 92 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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