

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57058 of 2022

Arising Out of PS. Case No.-348 Year-2020 Thana- BAIRIYA District- West Champaran

SAMODH CHAUDHARY aged about 25 years, male, Son of Sri Mahendra Chaudhary Resident of village - Bairiya, P.S.- Bairiya, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Bairiya PS Case No. 348 of 2020, registered for the offence punishable under Sections 363, 366-A, 504 and 506-34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (*for brevity 'POCSO Act'*).

The allegation is that the informant's minor daughter was being taken away by the petitioner on a motorcycle for solemnizing marriage. Referring to deposition of the alleged victim recorded under Section 164 of the Code of Criminal Procedure (*for brevity 'Cr.P.C.'*), (Annexure-2) learned counsel for the petitioner submits that the victim claiming to be 19 years



of age has stated about going with the petitioner on her own volition. The Court has also assessed the age of the victim to be 19 years. It is submitted that the alleged victim's deposition belies the prosecution case. The petitioner is in custody since 03-01-2021.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the statement of victim recorded under Section 164 Cr.P.C., period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -VII-cum-Special Judge (POCSO Act), in connection with Bairiya PS Case No. 348 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.(ii)That the petitioner will be well



represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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