

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60255 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- NAUTAN District- West Champaran

SUJEET CHAUDHARY @ SUJEET KUMAR Son of Surendra Chaudhary
Resident of village - Purandarpur, P.S.- Nautan, District - West Champaran.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 94 of 2022 for the offence registered under Sections 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution story, the informant alleged that her minor daughter 'X' was kidnapped while going to school by accused persons and taken in a bolero vehicle.

The further allegation is that she came to know that the girl has been taken by Sujeet Chaudhary for marrying her daughter. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that it was a love affair between the petitioner and the victim girl and she returned and made statement under Sections 161 and 164 of the Cr.P.C. narrating the entire story that she firstly went to



Chandigarh from then to Himachal, then Nepal and finally back home.

The further submission is that they have already married and the victim girl/lady is now having pregnancy with the petitioner, a document to this effect has been brought on record by way of supplementary affidavit showing pregnancy of six months.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation against amongst other is under POCSO act.

This Court is conscious of the fact that in a case in which POCSO Act is also there, relief cannot be extended to the accused. However, in this particular case, from the records, it is clear that firstly the victim girl/lady has made specific averment that she was in love affair and had moved with the petitioner, she refused to go under medical examination and further as per the supplementary affidavit, the girl is having pregnancy of six months from this very petitioner.

Considering all the aforesaid factors, this Court is constrained to extend the privilege of anticipatory bail to this petitioner.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory 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 Additional Sessions Judge-VI-cum Special Judge-POCSO, Bettiah, District-West Champaran in connection with Nautan P.S. Case No. 94 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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;



(v) the petitioner shall co-operate in the investigation
and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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