

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65905 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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Sujit Chaudhary @ Sujeet Kumar Son of Jay Prakash Chaudhary R/v-
Benimadhoke Tola, Ward No. 01, P.S.- Nawalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
13.09.2022 in connection with Bagaha (Mahila) P.S. Case No.
01 of 2022, F.I.R. dated 02.01.2022 for the offences punishable
under Sections 366A, 323, 504, 506/34 of the Indian Penal Code
and Section 8 of POCSO Act.

According to prosecution case, the petitioner along
with his family members had taken the informant's daughter,
namely, Soni Kumari with the intention to marry her.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner was in love with the victim and he has performed marriage with the victim on 18.08.2022 at Durgabagh Temple, Bettiah. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she has performed marriage with the petitioner. He further submits that according to the medical report, the victim is major. The petitioner is in custody since 13.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 District & Sessions Judge 7th cum Special Judge, POCSO, at Bettiah, West Champaran in connection with Bagaha (Mahila) P.S. Case No. 01 of 2022, subject to the following conditions:-

1. One of the bailor shall be the victim / father / mother of the petitioner.



2. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. 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.

(Rajesh Kumar Verma, J)

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