

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.71829 of 2022**

Arising Out of PS. Case No.-818 Year-2022 Thana- KAHALGAON District- Bhagalpur

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Suraj Choudhary Son Of Dhori Choudhary R/O Khoja Dhanura, P.S.-  
Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      18-03-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with  
Kahalgaon P.S. Case No.818 of 2022 registered for the offence  
under Sections 147, 341, 323, 365 and 366(a) of the Indian  
Penal Code and Section 8 of POCSO Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 15.08.2022.

The allegation against the petitioner is to kidnap the  
minor daughter of informant aged about 14 years for the  
purpose of illicit intercourse/marriage.



Learned counsel appearing on behalf of the petitioner submitted that though as per certificate daughter of informant appears 14 years but as per medical report she is about to major. It is submitted that as per statement of victim recorded u/S 164 of the Cr.P.C. allegation of rape and kidnapping is not available against this petitioner rather it is stated categorically that victim solemnized her marriage with petitioner out of her own sweet will, without denying the factum of kidnapping. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the statement of victim recorded u/S 164 of the Cr.P.C., where allegation of kidnapping and sexual assault is not available against this petitioner coupled with the fact that charge-sheet has already submitted, let above named petitioner is directed to be released on bail in connection with Kahalgaon P.S. Case No.818 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of Exclusive Special Judge (POCSO)-cum-Additional District and Sessions Judge-VII, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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