

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.959 of 2023

Arising Out of PS. Case No.-274 Year-2022 Thana- JOGAPATTI District- West Champaran

Guddu Chaudhary @ Guddu Kumar Chaudhary S/o Pashuram Chaudhary @
Dholman Chaudhary R/v- Harpurva, P.S.- Yogapatti, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-05-2023 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
02.10.2022 in connection with Yogapatti P.S. Case No. 274 of
2022, F.I.R. dated 15.05.2022 for the offences punishable under
Sections 363, 366A, 504/34 of the Indian Penal Code and
Section 12 of the POCSO Act.

According to prosecution case, the accused person
abducted the daughter of the informant for the wrong purpose of
marriage and also abused the informant.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that no case is made out against the petitioner after the statement of the victim which was recorded under Section 164 of the Cr.P.C. and the allegation as alleged does not supported by the victim in her 164 statement which was recorded under Section 164 of the Cr.P.C. The petitioner is in custody since 02.10.2022.

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 Sessions Judge-VI-cum Special Judge (POCSO), Bettiah, District- West Champaran in connection with Yogapatti P.S. Case No. 274 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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