

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4683 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- BAIRIYA District- West Champaran

Bittu Chaudhary @ Bintu Chaudhary @ Wittu Kamar S/O Amit Chaudhary
Village- Bagahi Noniya Tola, Naya Tola, Ps. Bairiya, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 105 of 2023 instituted for the offences under
Sections 366(A), 34 of the Indian Penal Code and Section 12 of
the POCSO Act.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of kidnapping the
minor daughter of the Informant and forcibly taking her away
on motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that the date of occurrence is 17.04.2023 but, the information regarding the occurrence was given to the police on 01.05.2023 i.e. after thirteen days without explanation for such delay. He further points out that the victim girl in her statement made under Section 161 and 164 Cr.P.C. has not supported the prosecution case and denied the factum of kidnapping. There is no direct or specific allegation against the petitioner rather the same is general and omnibus. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 17.08.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. From the statement of the victim girl made under Section 164 of the Cr.P.C., it appears that she on her own sweet will solemnized marriage with the petitioner and is also living with him as husband and wife. From perusal of the medical report, it also appears that the victim girl is pregnant. The victim girl in her statement, has also not made out any adverse allegation against the petitioner.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent coupled with the fact that the victim girl has solemnized marriage with the petitioner voluntarily, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bairiya P.S. Case No. 105 of 2023, subject to the conditions that;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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