

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16074 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

Shankar Chaudhary, aged about 25 years, Male Son of Ganga Chaudhary,
Resident of Village - Naudiha, P.S. - Atri, District - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Neemchak Bathani PS Case No. 112 of 2023 instituted for the
offences punishable under Sections 366-A/34 of the Indian
Penal Code.

3. As per the prosecution case, informant's minor
daughter was induced and kidnapped by the petitioner and two
other co-accused persons for marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to previous enmity with
the family of the victim. Petitioner is named in the FIR and the
FIR has been lodged after 13 days of the alleged incident and
there is no any plausible explanation in this regard. The



allegation against the petitioner is general and omnibus in nature. Petitioner has got clean antecedent as stated in para 3 of the petition and is in custody since 04.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya dated 17.10.2023, it appears that the FIR has been registered on the basis of informant (mother of the victim) against three accused persons including the petitioner under Sections 366(A)/34 of the Indian Penal Code. From perusal of the impugned order, it appears that the allegation against the petitioner is that he induced and kidnapped the minor daughter of the informant with an intention of marry. From perusal of the records, it also appears that the informant in her re-statement has supported her case and the witnesses has also supported the case of the prosecution. In her statement under Section 161 of the Cr.P.C. as well as in her Statement under Section 164 of the Cr.P.C. the victim has stated that Shankar Chaudhary (Petitioner) took her forcibly to kolhapur where he used to keep the victim after locking her in a room. The victim in her statement recorded under Section 164 of the Cr.P.C. has also stated that Shankar Chaudhary used to commit rape with



her. The date of birth of the victim is 18.03.2006, which shows that the victim is minor.

7. Considering the aforesaid facts and circumstances of the case including the nature of allegations against the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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