

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20268 of 2024

Arising Out of PS. Case No.-127 Year-2022 Thana- DHANSOI District- Buxar

Babudhan Choudhary Son Of Late Akshaylal Choudhary R/O-Kathahar Kala,
P.S.-Dhansoin, Distt.-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-04-2024 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dhansoin P.S. Case No. 127 of 2022, registered on 14.09.2022 for the alleged offence under Sections 363, 366A of the Indian Penal Code.

3. As per prosecution case, the petitioner and co-accused Sugriv Choudhury kidnapped the minor sister of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is not clear from the F.I.R. that since when the sister of the informant went missing. The real fact of the case is that informant solemnized the marriage of the sister with one Satyanarayan Jat and the petitioner played the

role of mediator as he has been working in Ajmer. The victim girl has been recovered and she was examined under Section 164 of the Cr.P.C. wherein she stated that the occurrence took place six months ago. She further stated that petitioner and other co-accused persons forcibly solemnized her marriage with Satyanarayan Jat. The victim girl was examined by doctor and her age was found to be 19 years. However, the victim has not stated anything about any sexual assault by any person. The story of victim being taken forcibly by the petitioner and co-accused persons to Ajmer in Bolero vehicle is not believable. Learned counsel further submits that trial has started and the deposition of the victim girl has been recorded wherein she has specifically stated that petitioner and co-accused person did not kidnap her and she herself went away. She even denied that petitioner and co-accused persons forcibly solemnized her marriage with Satyanarayan Jat. Learned counsel further submits that the deposition of the victim falsifies the prosecution case. Petitioner is in custody since 22nd of December, 2023 and he has got not criminal antecedent.

5. Learned APP appearing for the State vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the

case and submissions made on behalf of the parties and considering the deposition of the victim before the learned Trial Court and further considering the possibility of false implication, the petitioner above named, is directed to 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 learned A.D.J.-Vith-cum-Special Court, POCSO at Buxar in connection with Dhansoin P.S. Case No. 127 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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