

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28014 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- BHEJA District- Madhubani

Naresh Chaupal @ Nagwa, aged about 26 years, Male, Son of Ram Lakhan Ram @ Ram Lakhan Chaupal, Resident of Village- Barsam, P.S.- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Prasad, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bheja P.S. Case No. 47 of 2023 instituted for the offences punishable under Sections 341, 363, 366 (A), 504, 323 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant has been kidnapped by the accused persons.

4. Copy of the case diary has been submitted by learned counsel for the petitioner in the Court proceeding and the same has been produced by the petitioner's counsel under Section 207 of the Cr.P.C.

5. 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 ulterior motive and afterthought. It is further submitted that the prosecution story is entirely false, concocted, absurd and there is no an iota of truth. It has further been submitted that the occurrence has taken place on 06.05.2023 and the FIR has been lodged on 25.05.2023 after a lapse of 19 days of the alleged occurrence but there is no any plausible satisfactory explanation in this regard. Petitioner has not named in the FIR and there is no any incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 29.10.2023.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR, case diary and the impugned order of the learned A.D.J.-VII-cum-Special Judge (POCSO Court), Madhubani dated 23.02.2024, it appears that petitioner is not named in the FIR. From perusal of the record, it appears on the basis of written report of the informant, FIR has been lodged against five accused persons. The name of the petitioner has been surfaced during investigation. The statement of the victim recorded under Section 164 of the Cr.P.C., is that at the behest of the accused petitioner, co-accused Raushan has kidnapped the victim and the accused petitioner kept the victim



with him for about 20 days. From perusal of the case diary at para no 23 of the victim has mentioned that there is no allegation of kidnapping against the petitioner for torture or sexual assault. She has stated that she has also call the petitioner, Naresh Chaupal @ Nagwa and went on motorcycle on her elder sister and residing there twenty days. In her statement recorded under Section 161 of the Cr.P.C., in presence of the Investigating Officer she has change her version. Considering the facts and circumstances of the case and upon going through the records as well as Statement of the victim recorded under Sections 164 and 161 of the Cr.P.C. and the version of the victim, the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Additional District Judge-VII-cum-Special Judge (POCSO Court), Madhubani in connection with Bheja PS Case No. 47 of 2023.

(Ramesh Chand Malviya, J)

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