

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30490 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- SIMRA District- West Champaran

Raja Kumar @ Raja Chaudhary @ Rajakumar Son of Shivrath Chaudhary
Resident of - Panchgawa, Khurhuria, P.S.- Semra, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Nagiya Devi Wife of Rampati Ram Resident of Village- Chiutaha, P.O. and P.S.- Chiutaha, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv.
For the Opposite Party/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-06-2024 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Semra (Chiutaha) P.S. Case No. 125 of 2023 dated 14.05.2023 registered for the offences punishable u/ss 363, 366A, 341, 323, 504, 506 read with Section 34 of the Indian Penal Code and 4, 8, 12 of the POCSO Act and Sections 3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant after enticing her. It is further alleged that the informant with her husband went to village Panchgawa and requested to return his daughter but the accused persons threatened to kill them



and also abused them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 24.05.2023 but the F.I.R. was lodged on 07.09.2023 after the delay of 105 days and there is no explanation for this delay. There was love affair between the victim and the petitioner. It is further alleged that the victim has not raised any alarm while she was being taken to Delhi. As per the medical report of the victim mentioned in para 71 of the case diary, there is no evidence of physical or sexual assault. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, West Champaran, Bettiah in connection with Semra (Chiutaha) P.S. Case



No. 125 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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