

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32115 of 2024

Arising Out of PS. Case No.-700 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Bibhishan Choudhary son of Late Sukhdeo Choudhary @ Jahru Pasi Resident of Village- Bhada, Ward No.3, Police Station- Saurbazar, District- Saharsa
2. Sita Devi Wife of Bibhishan Choudhary Resident of Village- Bhada, Ward No.3, Police Station- Saurbazar, District- Saharsa
3. Pappu Choudhary Son of Bibhishan Choudhary Resident of Village- Bhada, Ward No.3, Police Station- Saurbazar, District- Saharsa
4. Birbal Choudhary Son of Bibhishan Choudhary Resident of Village- Bhada, Ward No.3, Police Station- Saurbazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Maslehuddin Ashraf, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard Mr. Syed Maslehuddin Ashraf, learned counsel
for the petitioner and the State.

2. The petitioners are apprehending their arrest in connection with Saurbazar P.S. Case No. 700 of 2023 for the offence under Sections 363, 365, 366-A, 120-B of the I.P.C. and Sections 8 and 12 of the POCSO Act lodged on 12.11.2023 by the informant, Domi Choudhary.

3. As per the prosecution story, the informant alleged that when his daughter was on way home, kidnapped by Rahul Kumar. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that they are family members of Rahul Kumar, mother, father and brothers. Further, the girl appeared and made statement under Section 164 of the Cr.P.C in which, she narrated the ordeal that her father wanted to get her married with a man having five children for the consideration amount of Rs. 2,00,000/- and she having no option, escaped and subsequently married to Rahul Kumar on 07.11.2023. The statement under Section 164 of the Cr.P.C. is on record as Annexure-2 to the petition.

5. Learned APP opposes the prayer stating that the allegation is against Rahul Kumar and family members.

6. Taking into account the facts/the case that has come on record particularly the ordeal of the girl, the petitioners herein are parents, FIR lodged and will have to face the trial, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Saharsa in connection with Saurbazar



P.S. Case No. 700 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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