

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38229 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- BRAHMPUR District- Buxar

Kanhaiya Chaudhary Son of Late Dev Kumar Chaudhary Resident of village -
Dhanchhapra, Police Station - Brahmpur, District – Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Brahmpur P.S. Case No. 33 of 2023 dated 19.01.2023 registered for the offences punishable under Sections 363 and 366A read with Section 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have forcibly kidnapped the minor daughter of the informant when she went to attend the call of nature.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that as per medical report, the doctor



has opined that the age of the victim is 19 to 20 years and there is no sign of recent sexually assault. Nothing has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.04.2023.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the victim is minor. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that the petitioner took her to Sikandrabad forcibly for four months and he used to beat her and do bad things to her.

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 Additional Sessions Judge-6th-cum-POCSO Court, Buxar in connection with Brahmpur P.S. Case No. 33 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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