

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37322 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- RAJEPUR District- East Champaran

Rajesh Chaudhary @ Rajesh Kumar Son of Ramekbal Chaudhary Resident of
Vilage- Machwabrit, P.S. - Rajepur, District - East Champaran.

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Abhishek Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 363, 366A and 120 read with
Section 34 of the Indian Penal Code and Sections 6, 8 & 12 of
the POCSO Act.

3. The allegation against the petitioner is that he
along with other co-accused kidnapped the minor daughter of
the informant due to ulterior motive.

4. Earlier vide order dated 21.08.2023, the petitioner
was granted anticipatory bail subject to the condition that one of
the bailors will be the victim girl. It is relevant to note that this
condition was imposed on submission of learned counsel for the
petitioner that the petitioner has solemnized marriage with the
victim girl and living as husband and wife. The victim girl



refused to make one of the bailors because as per the petitioner, she was married with another person. Thereafter, the petitioner preferred an application for modification of the order dated 21.08.2023 passed in Cr. Misc. No.38640 of 2023, which was dismissed vide order dated 16.02.2024. Hence, this regular bail application.

5. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The victim has not supported the prosecution case in her statement made under Section 164 Cr.P.C. It is further submitted that charge has been framed against the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 22.04.2024.

6. Learned APP for the State vehemently opposing the bail petition submitted that the petitioner has tried to mislead this Court for grant of bail by giving false statements. Hence, he does not deserve bail.

7. Having heard learned counsel for the parties and perusing the materials available on record, it appears that vide



order dated 21.08.2023, the petitioner was granted anticipatory bail and one condition was imposed that the victim girl will be one of the bailors and this condition was imposed on the submission of learned counsel for the petitioner that the petitioner has married with the victim girl and they are living together. In para-10 of the present bail application, it is stated that on 07.12.2022 a panchayati had taken place between both parties in which petitioner and victim agreed to live separately and marry with person of their choice and so, victim has married with another person. It is relevant to mention here that the petitioner was granted anticipatory bail after a long interval i.e. on 21.08.2023, whereas the panchayati was held on 07.12.2022, which clearly indicates that the petitioner has willfully and deliberately tried to mislead this Court and given false instructions/information to his counsel for grant of bail. Thus, the petitioner has not come before this Court with clean hands.

8. For the reasons stated above, I am not inclined to enlarge the petitioner on bail.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

