

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44007 of 2024

Arising Out of PS. Case No.-361 Year-2016 Thana- BUXAR District- Buxar

Chandrabhushan Rai Son Of Bhola Rai R/o Village-Lodipur Chak, Pahar,
P.S.-Desari, District- Vaishali (Hazipur), Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chaturi Prasad Chouhan S/o Late Bhudan Singh R/o Village-Charitra Van
Samsan More ward No- 1, P.S.-Buxar(T), District-Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Anand Kumar Ojha, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Buxar (T) P.S. Case No. 361 of 2016, for the
offences punishable under Sections 366A, 376 of the Indian
Penal Code and Section 4 of the POCSO Act.

3. The prosecution case has been instituted to the
effect that, the grand-daughter of the informant was found
traceless since 25.06.2016. It is further alleged that on
17.08.2016, the informant received a telephonic message that
her grand daughter is somewhere at Ara. Subsequently, one
another message was received that the victim is in Delhi. Based



upon the aforesaid facts, the present F.I.R. has been instituted.

4. Learned counsel for the petitioner contended that admittedly, the occurrence took place on 25.06.2016, but surprisingly, the FIR has been instituted on 17.08.2016. During course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C, wherein she has categorically stated that she voluntarily went along with the petitioner and she decided to solemnize marriage with him. Taking note of the aforesaid facts, earlier, the petitioner was granted regular bail on 09.01.2018 by the Court below itself, the copy of which has been marked as Annexure-4 to the petition. However, after completion of investigation once the police has submitted charge-sheet and cognizance has been taken for the offences under Sections 366A, 376 I.P.C and Section 4 of POCSO Act, the petitioner himself surrendered and now he is in custody since 16.04.2024.

5. On the other hand, learned APP for the State opposes the bail application and submits that on the alleged date of occurrence, the victim was a minor and as such, the learned Court has rightly taken cognizance for the offences aforementioned.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that earlier the petitioner was all along on bail taking note of the statement of



the victim recorded under Section 164 Cr.P.C, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI-Cum-Special court POCSO Act, Buxar in connection with Buxar (T) P.S. Case No. 361 of 2016, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

Priyanka /-

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