

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43990 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- MADHUBAN District- East Champaran

Raju Chaubey, aged about 51 years (M), S/o Bhagwan Chaubey, R/o Village-56A Pocket-1, DDA, MIG Flats, Mayur Vihar, Phase-3, New Kondly, East Delhi, at present Hetampur, P.O.-Hedompur, P.S.-Tiyar, District-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mani Devi, W/O Binod Prasad, R/o Village-Ghegwa, Ward No.-08, P.S.-Madhuban, District-East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 21-08-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State. However, learned counsel for the opposite party no. 2 is not present as the opposite party no. 2 has refused to receive the notice.

3. The petitioner seeks bail in connection with Madhuban P.S. Case No. 451 of 2023 dated 14.09.2023



registered for the offences punishable under Sections 363, 366A of the I.P.C. and Section 8 of the POCSO Act.

4. As per the prosecution case, on 10.09.2023 at about 12.00 P.M., some unknown miscreants are alleged to have kidnapped the minor daughter of the informant from her *darwaza* through a white colour car bearing Registration No. BR01FX3786.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 10.09.2023 and the F.I.R. has been lodged on 14.09.2023 after a lapse of four days for which no explanation has been given by the prosecution. It is further submitted that neither the petitioner is named in the F.I.R. nor any incriminating article has been recovered from his possession. The vehicle in question bearing Registration No. BR01FX3786 does not belong to the petitioner. It is further submitted that the petitioner has been residing in Delhi for since 24 years and on the alleged date and time of occurrence, he was working in *IGL Gas Pipe Line Pvt. Company* and the victim was studying in *Lal Bahadur Training Institute* and the petitioner has never visited the place of occurrence where she was studying in his entire life, annexed as



Annexure-2 to the present bail petition. The victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that she became friendship with the petitioner through the *facebook* and the petitioner promised her to provide job in the bank after payment of Rs. 50,000/-. On 10.09.2023, she went with the petitioner alongwith some jewellery and stayed in *OYO Hotel* in Patna where he threatened her and established physical relationship with her for six months. Thereafter, he took her to Delhi and kept in a rented room where his wife came and told about her selling in G.B. Road. The petitioner also made video and threatened her to make it on viral. On 12.02.2024, the petitioner also took her to G.B. Road for selling her. Anyhow, she called a phone to police and police came and she was saved. It is further submitted that as per the 164 of the Cr.P.C. statement of the victim, she was taken away by the petitioner to Patna and then Delhi and kept in a room, but she was not raised any alarm. It is further submitted that from perusal of the medical report which is available in paragraph no. 60 of the case diary, it appears that the doctor opined that there is no marks of injury on external body of the victim and the age of the victim is between 18-20 years. The real fact is that the victim wanted to marry with the



petitioner but he refused to marry her because he has already a married person having three children. Hence, the victim in her statement recorded under Section 164 of the Cr.P.C. has levelled allegation against the petitioner. The charge sheet has been submitted in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 20.04.2024.

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

7. 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 7th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 451 of 2023 with further 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 bonds of the petitioner are



liable to be cancelled.

8. The application stands allowed.

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(Chandra Prakash Singh, J)

