

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43993 of 2024

Arising Out of PS. Case No.-127 Year-2022 Thana- DHANSOI District- Buxar

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Sugriv Chaudhary SON OF RANGLAL CHAUDHARY VILLAGE-
KHARHANA PIDIYA TOLA, PS- DHANSOI, DIST- BUXAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. PREMCHAND CHAUDHARY SON OF SHIVNATH CHAUDHARY
VILLAGE- KHARHANA PIDIYA TOLA, PS- DHANSOI, DIST- BUXAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with POCSO P.S. Case No. 07 of 2024 arising out of Dhansoi P.S. Case No. 127 of 2022 for the offence punishable under sections 366A/34, 363/34 and 372/34 of the Indian Penal Code lodged on 14.09.2022 by the informant, Premchandra Chaudhary.

3. As per the prosecution story, the informant alleged that that his sister was traceless since last two days and on search, she could not be found. He had strong belief that Sugriv Choudhary and Babudhan Choudhary have abducted her. Accordingly, the FIR.



4. Learned counsel for the petitioner has straightaway taken this Court to the deposition made by the victim girl before the Trial Court in which she has denied the entire story inasmuch as she denied having been sold by this petitioner amongst others as also any marriage. She further deposed that no one raped her.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer on the basis of the allegation made in the FIR as also the 164 Cr.P.C. statement, he concedes that the victim girl herself has deposed before the trial Court otherwise.

6. Taking into account the aforesaid development that has taken place, the petitioner is in custody since 28.04.2023 (as stated in paragraph 12 of the petition), the trial is going on and as per the undertaking, he will be diligently appearing in trial and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Session Judge VI-cum-Special Court POCSO, Buxar/successor court in connection with POCSO P.S. Case No. 07 of 2024 arising out of Dhansoi P.S. Case No. 127 of



2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark his attendance;

(iv) the petitioner 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;

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

(Rajiv Roy, J)

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