

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44545 of 2024

Arising Out of PS. Case No.-238 Year-2022 Thana- BAIRIYA District- West Champaran

Ranjit Chaudhary @ Mohan Chaudhary, aged about 24 years, Male, Son Of
Gudar Chaudhary, R/O Village- Bagahi Ratanpur, P.S.- Bairiya, Distt.- West
Chamapran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Indu Devi, W/O- Baburam Chaudhary, R/O Village- Khalwa Tumkadia,
Ward No. 3, P.S.- Bairiya, Dist.- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Amrit Kirti, Advocate
For the State	:	Mr. Ajay Kumar Jha, A.P.P.

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

ORAL ORDER

6 23-09-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 238 of 2022 (Special G.R. No. 149 of 2022) dated
19.08.2022 registered for the offences punishable under
Sections 366A/34 of the I.P.C. and Section 12 of the POCSO
Act.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have kidnapped the minor
daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there was love affair between the petitioner and the victim. 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 on 06.08.2022 she of her own sweet will went with the petitioner to *Banglore* and started living together in a rented room but due to her illness they returned back after 4-5 months and started living in a rented room near the Bus Stand and thereafter she performed court marriage with the petitioner. It is further submitted that the victim in her statement has not stated that she was forced/seduced to have intercourse with any another person. It is further submitted that the victim has not raised any alarm while she was being taken to *Ludhiyana*. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 19.04.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that the victim is a minor girl and she was kidnapped by the petitioner and the co-accused persons for the purpose of marriage.



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 A.D.J.M. VIIth-cum-Special Judge (POCSO), West Champaran, Bettiah in connection with Bairiya P.S. Case No. 238 of 2022 (Special G.R. No. 149 of 2022) 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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