

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56562 of 2024

Arising Out of PS. Case No.-191 Year-2019 Thana- SHANKARPUR District- Madhepura

Nitish Chaupal, Son of Brahmdev Chaupal, Resident of village - Raibhir
Ward No.- 5, P.S.- Shankarpur, District – Madhepura.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nathuni Sharma, S/o Late Vilaiti Sharma, R/o Village-Raibhir, Ward No. 5,
P.S.-Shankarpur, District-Madhepura.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate

For the State : Mr. Raj Ballabh Singh, A.P.P.

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

ORAL ORDER

3 30-09-2024 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.

3. The petitioner seeks bail in connection with
Shankarpur P.S. Case No. 191 of 2019, corresponding to Special
Case No. 64 of 2019 dated 22.12.2019 registered for the
offences punishable under Sections 366A/34 of the I.P.C., and
Section 12 of the POCSO Act in which cognizance has been
taken under Sections 366A of the I.P.C., 4 of the POCSO Act
and 10 of the Children Marriage Act.

4. As per the prosecution case, the petitioner and the co-



accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there was love affair between the parties. It is submitted that the matter has been settled between the parties. The victim in her statement recorded under Section 164 of the Cr.P.C., has stated that she loves the petitioner and in the month of December, 2019, she went with the petitioner from Bettiah to Patna and before going to Patna, they performed marriage in *Vaishnav Mandir, Ganpatganj* and they started living in Patna in a rented room. The victim has also one female child from their wedlock. The victim was not forced/seduced to have intercourse with any other person. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 13.05.2024.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura, in connection with Shankarpur P.S. Case No. 191 of 2019, corresponding to Special Case No. 64 of 2019.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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