

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60326 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- AANDAR District- Siwan

Pradhuman Chaudhary @ Pradum Kumar S/o- Mahesh Chaudhary Resident
of Revilganj Nawka Tola Bari, P.S. Revilganj, Dist- Saran
... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar Choudhary Son of Chotelal Choudhary Village- Chandauli
Gangoli Ps- Aandar Dist- Siwan
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Andar P.S. Case No. 190 of 2023 dated 11.09.2023 instituted for
the offence punishable under Sections 366(A), 376 of the Indian
Penal Code & Section 4, 6, 8, 12 of the POCSO Act.

3. The prosecution case, in short, is that the minor
younger sister of the complainant was seduced by co-accused
Pratima Devi and ultimately convinced her to marry with her
brother. On 15.10.2022 at 04:00 pm, Pratima Devi called the
victim and took her to home wherefrom she took the victim near
Gangauli Pokhara Panchayat Bhawan where the petitioner and
other accused persons were standing with Scorpio car. she was



given something mixed with Laddu to eat due to which the victim lost her senses. After which she found herself in the house of the petitioner, Phulmati Devi, Mahesh Chaudhary at Rivilganj. Thereafter they threatened her to kill and obtained her signature on plain paper and forcibly took her to Chhapra. Thereafter, the petitioner forcibly raped her against her will for about four days. It is also alleged that the petitioner used to beat her and went out.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the date of occurrence is 15.10.2022 but the F.I.R. has been lodged on 11.09.2023 without any plausible explanation for the delay. Learned counsel for the petitioner submits that the victim girl is major and at the time of occurrence, she had completed 18 years age, as such, no case is made out against the petitioner under POCSO Act. Learned counsel for the petitioner further submits that the victim went to the house of the petitioner and got married to the petitioner on 01.02.2023 in Lord Shiv Mandir in Chhapra. The petitioner has not committed any offence with the minor girl. It is also submitted that there was love affairs between the victim and the petitioner and they have performed marriage in temple and the complainant had no objection in this regard, but after a long gap, at the instance of the villagers, this false case has been lodged. It is submitted that



the doctor has assessed the age of the victim as 18 to 20 years. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Andar P.S. Case No. 190 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI cum Special Judge, POCSO, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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