

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60061 of 2024

Arising Out of PS. Case No.-262 Year-2021 Thana- PALASI District- Araria

Abhishek Choudhary @ Abhishek @ Abhishek Kumar Choudhary @
Pahariya, S/o Pradeep Chaudhary @ Pradeep Kumar Chaudhari. R/o Village-
Kaliyaganj, P.S- Palasi, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Palasi P.S. Case No. 262 of 2021 registered
for the offences punishable under Sections 366A and 363 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that in the night of 14.12.2021, the daughter of the
informant was found missing and after hectic search made by
the informant and his family members, she could not trace out.
It is also alleged that in course of search, the informant came to
know that the petitioner enticed away his daughter for the
purpose of marriage. The daughter of the informant also took



away cash of Rs.20,000/- and some valuables.

4. Learned counsel for the petitioner drawing the attention of this Court to the FIR, primarily contended that the alleged occurrence took place on 14.11.2021 but the present FIR has been instituted after a delay of one month on 14.12.2021 without there being any explanation of delay. It is further contended that during the course of investigation, none of the witness has disclosed that the daughter of the informant was lastly seen with the petitioner nor the whereabouts of the girl has been found. It is further contended that on account of false implication of the petitioner, he was evading his arrest and started earning in another State. However, later on he himself surrendered on 28.05.2024 and now investigation of the crime is complete and the charge-sheet has been submitted, but it is the fact that till date the whereabouts of the victim could not be ascertained. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner was in touch with the victim and before the occurrence, there was a conversation between them and, as such, his complicity cannot be denied.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the entire case is based on suspicion and till date the whereabouts of the victim could not be ascertained, coupled with the fair antecedent of the petitioner and the investigation being complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Palasi P.S. Case No. 262 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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