

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62405 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- MATIYARIA District- West Champaran

Nathu Chaudhary @ Niraj Kumar Son of Virendra Chaudhary R/o Village-
Tumkariya, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baliram Chaudhary S/o Pahwari Chaudhary R/o Village- Ekderwa, P.S.-
Matiyariya, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajdeep Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Matiyariya P.S. Case No. 24 of 2024 registered for the offences punishable under Sections 363/366A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

3. Based upon the written report, the prosecution alleges that on 21.03.2024 the son-in-law of the informant took away the minor daughter of the informant for the purposes of marriage; though he had already solemnised marriage with the elder daughter of the informant seven years back and from



wedlock there is one son and one daughter.

4. Referring to the narrations made in the FIR, learned Advocate for the petitioner contended that with regard to occurrence which took place on 21.03.2024, the present FIR has been instituted on 26.03.2024 and reason for delay has not been explained. FIR clearly suggests that the petitioner is none-else but the son-in-law whose marriage was solemnised with the elder daughter of the informant and the couple was blessed with two children. In fact, on account of family feud, the present FIR has been instituted. The statement of the victim was recorded under Section 164 Cr.P.C. wherein she has stated that neither any inducement has been made nor any force has been applied for sexual intercourse. The date of birth of the victim is said to be 21.05.2006 which is just two months less than 18 years on the date of alleged occurrence and as such the benefit of doubt with respect to the age of the victim should be granted in favour of the petitioner. It is lastly contended that now the petitioner has been incarcerated since 09.07.2024 having fair antecedent.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the allegation against the petitioner is of serious kind wherein he enticed away the minor daughter of the informant.



6. Regard being had to the submissions made on behalf of the parties and considering the relationship of the petitioner with the victim, coupled with the fact that she is two months less than 18 years and her statement recorded under Section 164 Cr.P.C. wherein she has not made any specific allegation against the petitioner of inducement or any application of force for sexual intercourse, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Matiyariya P.S. Case No. 24 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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