

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77870 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- NAUTAN District- West Champaran

Dheeraj Kumar Chaubey Son of Muktinath Chaubey Resident of Village-Sakin, Dhumnagar, Puvari Tola, Ward no.- 18, P.S.- Nautan, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Maqsood Alam @ Maqsood Alam Son of Md. Syed Ansari Resident of Village-Sakin, Dhumnagar, Puvari Tola, ward no. 18, P.S.- Nautan, District- West Champaran at Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Sourav
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-11-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Nautan Police Station Case No. 278 of 2024, disclosing offences under Sections 137, 96, 352, 3(5) of the BNS and Section 8 of the POCSO Act.

3. As per the First Information Report, on 27.07.2024, while the informant's daughter was going to attend school/coaching class, she was kidnapped by the petitioner and others for the purpose of marriage.

4. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case



due to the fact that petitioner and the victim girl was having love relationship which was not to the liking of the family members of the girl. The girl arrived after some days and her statement was recorded under Section 161 and 164 Cr.P.C. in which she has not supported the allegation made in the FIR. In her statement recorded under Section 161 Cr.P.C., the girl has said that she was being scolded by her family members for having some relationship with the petitioner due to which she, on her own will, left her home and went with the petitioner and stayed at Lucknow and Vrindavan etc. where she performed marriage with the petitioner. Learned counsel further submits that in the statement recorded under Section 164 Cr.P.C., the girl has not said anything against the petitioner regarding pressurizing her to enter into physical relationship with the petitioner. He further submits that the petitioner is having a brilliant career and he is appearing in UPSC examination as would be evident from Annexure P/2.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the age of the girl was 15 years and she was allured by the petitioner to accompany him to different places and she, in her statement under Section 164 Cr.P.C., supported prosecution



story.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the statement of the girl recorded under Section 161 Cr.P.C. and the fact that the petitioner is a sincere student, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Bettiah, West Champaran, in connection with Nautan Police Station Case No. 278 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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