

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4309 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- MAIN P.S. District- Gaya

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Rahul Kumar SON OF DARA CHAUDHARY RESIDENT OF VILLAGE-
KOYARI BIGHA, POLICE STATION- MEN, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard Mr. Aryan Singh, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in custody in connection with Men
P.S. Case No. 15 of 2023 for the offence punishable under
Sections 363 and 366 of the Indian Penal Code and Section 4 of
the POCSO Act, lodged on 24.02.2023 by the informant,
Muneshwar Chaudhary.

3. As per the prosecution story, the informant alleged
that his daughter had gone to attend the nature's call but
disappeared. He has suspicion that this petitioner has abducted
her for the purpose of marriage. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
subsequently the victim girl returned and in her 164 Cr.P.C
statement the girl has stated that she had gone on her own with



the petitioner and performed marriage. This fact has been incorporated by the learned Sessions Judge in his order.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties as also the statement made by the victim girl under Section 164 of the Cr.P.C., which is incorporated in the order of learned Sessions Judge, he do not have any criminal antecedent and has remained in custody since 16.06.2023 (para 14 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya, in connection with - Men P.S. Case No. 15 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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