

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3186 of 2025

Arising Out of PS. Case No.-144 Year-2024 Thana- KAUWAKOL District- Nawada

Chhote Chaudhary @ Sulendra Chaudhary Son of Ashok Chaudhary Resident
of Village - Itpakwa, Police Station - Kawakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
	:	Mr. Kumud Kishore, Advocate
For the Opposite Party/s	:	Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kawakole P.S. Case No. 144 of 2024 registered for the alleged offences under Sections 363, 366(A) and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner enticed away the minor daughter of the informant with intention of marrying her with the help of other co-accused person.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The victim girl has been recovered and she has recorded her statement



under Section 183 of the BNSS. Her age was assessed to be 18 years by the learned Magistrate and in her statement under Section 183 of the B.N.S.S. she stated that she voluntarily left her house and went to Bengal with the petitioner and solemnized marriage with him. The victim girl also stated that as the petitioner was from other caste, her family members were not agreeing for the marriage. She also stated that she wanted to stay with the petitioner and wanted to go to her matrimonial home. Learned counsel further submits that even from her school certificate, her age on the date of occurrence is 17 years 4 months. Learned counsel further submits that it is a case of love affair between the petitioner and the victim girl who performed marriage and no offence under Sections 363 and 366(A) IPC is made out. The petitioner is in custody since 11.09.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail and submits that in this case the victim girl was minor and her consent was immaterial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl at her age at which a



girl develops sufficient maturity and further considering the age of the petitioner, clean antecedent and the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada in connection with Kawakole P.S. Case No. 144 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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