

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6146 of 2025

Arising Out of PS. Case No.-72 Year-2024 Thana- MAHILA P.S. District- Vaishali

Raja Chaudhari Son of Late Umesh Chaudhary Resident of Village- Mahnar,
Naya Tola Islapur, P.S.- Mahnar, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari Daughter of Basant Chaudhary Resident of Village-, Naya Tola Islapur, P.S.- Mahnar, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra,Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-05-2025 Perusal of record shows notice was issued to opposite party no. 2/informant and the same was received by her father who also happens to be the father of the victim girl but there is no representation on behalf of the victim girl/informant.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. In the present case, the petitioner seeks bail in connection with Vaishali Mahila P.S. Case No. 72 of 2024, registered for the offences under Sections 115(2), 126(2), 96 of the B.N.S. and Section 8, 12, 18 of the POCSO Act.

4. As per the prosecution case, the petitioner enticed away the minor sister of the informant.



5. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Victim girl recorded her statement under Section 183 of the B.N.S.S. wherein she has stated that she herself left her house and took a train to Ludhiyana where the petitioner resides. The wife of the petitioner followed her and brought her back. She has specifically stated that the petitioner did not do any wrong with her. Learned counsel further submits that the victim girl refused to undergo any medical examination. Learned counsel further submits that the learned Judicial Magistrate assessed the age of the victim girl to be 17 years and she also stated her age to be 17 years. Therefore the victim girl was knowing the consequences of her act. Learned counsel further submits that the FIR has been lodged after a delay of seven days of occurrence and there is no explanation for the delay. Thus, learned counsel submits that no offences as alleged against the petitioner is made out considering the statement of the victim girl. The petitioner is in custody since 26.11.2024 and charge sheet has been submitted. Petitioner is having antecedent of four cases but all these cases have been registered under the Bihar Prohibition and Excise Act and petitioner is on bail in all the cases.



6. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner.

7. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the statement of the victim girl recorded under the Section 183 of the B.N.S.S. wherein she completely absolved the petitioner and further considering her age at which a girl develops sufficient majority and also considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Court, POCSO, Vaishali at Hajipur/concerned court, in connection with Vaishali Mahila P.S. Case No. 72 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial court.

(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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