

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2437 of 2024

Arising Out of PS. Case No.-197 Year-2022 Thana- LAUKAHI District- Madhubani

Vivek Kumar Chaudhary @ Vivek Chaudhary son of Dhruv Kumar
Chaudhary Resident Of Village Mansapur, P.S Laukhi ,District Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Das Son Of Late Tanux Lal Das R/O- Vill- Jhahuri, P.S- Laukahi,
Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-02-2025 Heard learned counsel for the parties. Despite

valid service of notice nobody appears on behalf of the

Respondent No. 2.

2. This appeal has been filed for setting aside order
dated 15.03.2024 passed in a case registered for the offence
punishable under sections 363, 366(A), 376, 379,494, 504/34
of the Indian Penal Code and sections 3 (i) (r)(w)(i)(ii) , 3 (2)
(va) 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act
whereby the prayer for anticipatory bail of the appellant has
been rejected.



3 . As per the prosecution case , co-accused, Mahendra Sah, kidnapped daughter of informant for the purpose of marriage.

4. It is submitted that petitioner is not named in F.I.R.. Victim in her statement recorded under Section 164 of Cr.P.C. has stated that co-accused, Mahendra Sah, solemnized marriage with her and committed rape upon her and victim has not stated anything wrong against this appellant. He further submits that only with a view to extract money from this appellant, he has been made accused in this case and appellant has got nothing to do with the alleged occurrence . Appellant claims clean antecedent.

5 . Learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Cum Special Judge, Madhubani in connection with Laukahi



Police Station Case No. 197 of 2022 .

(Prabhat Kumar Singh, J)

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