

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70011 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Nawalpur District- West Champaran

Brijmohan Chaurasiya @ Brijmohan Kumar Son of Akhilesh Chaurasiya
village- Nimuiya PS- Nawalpur District -West champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Late Kishun Chaurasiya village- Nimuiya PS- Nawalpur District
-West champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nawalpur P.S. Case No. 02 of 2024 instituted for the offences
under Sections 366A of the Indian Penal Code and 8 of the
POCSO Act.

3. Prosecution case, in short, is that the petitioner
kidnapped the minor daughter of the informant with intention to
marry her.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that there is a delay of twenty



days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has not supported the case of the prosecution and even as per medical report no recent sign of sexual intercourse was found. Learned counsel further submitted that victim has specifically stated that this petitioner never compelled her to make physical relations. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.07.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no ingredient of Section 366A IPC in the statement of the victim recorded under Section 164 of the Cr.P.C. as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Nawalpur P.S. Case



No. 02 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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