

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68723 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- CHORAUT District- Sitamarhi

Rishikesh Kumar Son of Sanjay Choudhary R/o Village Barari Behata, Barri Bihta, Ward No. -7, P.O.- Behta, P.S.- Choraut, District -Sitamarhi-843319

... .. Petitioner

Versus

1. The State of Bihar
2. Victim Girl Daughter of Pappu Chaudhary Resident of village- Barri Bihta, Ward no. 7, P.S.- Choraut, District- Sitamarhi.

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 71455 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- CHORAUT District- Sitamarhi

1. Shravan Kumar @ Satyam Kumar Son of Sarvesh Kumar @ Sarvesh Chaudhary R/O Vill.- Barri Behta Ward no. 7, P.S.- Choraut, Dist.- Sitamarhi.
2. Shivam Kumar @ Aman Kumar Son of Sarvesh Kumar @ Sarvesh Chaudhary R/O Vill.- Barri Behta Ward no. 7, P.S.- Choraut, Dist.- Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. Varsha Kumari D/O Pappu Chaudhary R/O Vill.- Barri Behta Ward no. 7, P.S.- Choraut, Dist.- Sitamarhi.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68723 of 2024)

For the Petitioners : Mr. Adarsh Raj Sinha, Advocate
For the State : Mr. Arun Kumar Pandey, APP
For the O.P. No.2 : Mr. Shailesh Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 71455 of 2024)

For the Petitioners : Mr. Adarsh Raj Sinha, Advocate
For the State : Mr. Arun Kumar Pandey, APP
For the O.P. No.2 : Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2025 Both the petitions arise out of the same FIR bearing

Choraut PS. Case No.48 of 2024. Hence, both the petitions have



been heard together and being disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Choraut PS. Case No.48 of 2024 dated-13.04.2024 registered for the offences punishable under Sections 341, 323, 354B, 504, 506, 509/34 of the Indian Penal Code and Section 8 of the POCSO Act.

4. The prosecution case as emerging from the FIR is that the informant is a 15 years old girl and on her way to grossory shop, she was caught hold of by the accused persons including the petitioner. They are also alleged to have outraged her modesty.

5. Learned counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are agnates and they have property dispute. Learned counsel for the Petitioner, Rishikesh Kumar, submits that the mother of the petitioner is an Asha worker and she has duty to report child marriage, and only a few days back her mother had reported to the police that



the informant girl, despite being minor, was going to solemnize marriage at the instance of her father and on her application, her marriage was prevented by the police authorities and in retaliation, this case has been filed against Rishikesh Kumar to harass his family. Learned counsel on behalf of the other petitioners submits that all the accused persons are agnates of the informant and there is old family disputes and this is also a factor for the false implication.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the petition that the petitioner in Criminal Miscellaneous No. 68723 of 2024 has been made accused in one other case whereas the petitioners in Cr. Misc. No. 71455 of 2024 have no criminal antecedents.

8. Learned APP for the State as well as learned counsel for the Opposite Party No.2 vehemently oppose the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Sitamarhi, in connection with Choraut PS. Case No.48 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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