

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76103 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- SANDESH District- Bhojpur

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1. Shravan Kumar Chaudhary @ Shravan Chaudhary S/o- Suryadeo Chaudhary Resident of Village- Repura, PS- Sandesh District- Bhojpur
 2. Mantu Chaudhary Son of Suryadeo Chaudhary Resident of Village- Repura, PS- Sandesh District- Bhojpur
 3. Anirudh Chaudhary @ Sukhal Chaudhary Son of Raj Deo Chaudhary Resident of Village- Repura, PS- Sandesh District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramuna Devi W/O-Kameshwar Chaudhary , R/O-VILL-Ripura , PS- Sandesh , Dist-Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Singh, Adv.
For the State	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Dharmesh Kumar Shrivastava, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 01-07-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. Earlier vide order dated 31.01.2025, the application with respect to petitioner no.3, namely, Anirudh Chaudhary @ Sukhal Chaudhary was dismissed as withdrawn.

3. Now, this application is being pressed for petitioner nos. 1 & 2 only.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 354(A), 325, 307, 379, 34 of the Indian Penal Code and Section



8 of POCSO Act.

5. The FIR discloses an allegation that the minor grand daughter of the informant was forcibly taken away by the accused persons including the present petitioners inside a house and they misbehaved with her and further, when the nephew of the informant arrived, the accused persons indulged in assault and four other persons arrived with stick and also indulged in the altercation. It has further been alleged that petitioner nos. 1 & 2 assaulted one Sudarshan Chaudhary due to which he received injuries on his leg and on his head.

6. Learned counsel for the petitioners submits that both the parties are *gotiyas* and the occurrence as alleged did not take place and the whole story of taking away the minor girl is false and hence, no case under the POCSO Act would be made out against the petitioners and also does not seem to be believable with respect to the relation between the parties. There is case and counter case and the case filed on behalf of the petitioners against the family of the informant is earlier in point of time and the same has been annexed as Annexure-P/2 to the present application. It only seems to be a case of free fight and altercation between the parties in course of which one Sudarshan Chaudhary has received simple injuries and this fact



would be evident from the injury report which is available on record along with the case diary.

7. Learned APP for the State and learned counsel for the informant oppose the prayer for bail.

8. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to petitioner nos. 1 & 2. Let petitioner nos. 1 & 2, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sandesh P.S. Case No. 88 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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