

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5542 of 2026

Arising Out of PS. Case No.-53 Year-2023 Thana- PHULWARIA District- Begusarai

Tuntun Choudhary Son of Heera Chaudhary R/O Village - Atarua Ward No.-
11, P.S.- Bhagwanpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-03-2026 Heard Mr. Sunil Kumar Yadav, learned counsel for
the petitioner and Mr. Ramchandra Sahni, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.06.2025 in connection with Phulwaria P.S. Case No. 53 of
2023, F.I.R. dated 05.04.2023 for the offences punishable under
Sections 366(A)/34 of the I.P.C. but the police after
investigation submitted charge sheet under Section 365 of the
I.P.C.

3. According to prosecution case, this petitioner along
with other accused persons have kidnapped the daughter of the
informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact, the petitioner was in love with the victim and the statement of the victim was recorded under Section 183 of the BNSS, 2023 in which she has stated that the petitioner has not done anything wrong with her. Apart from that the victim has refused for her physical and internal medical examination in the presence of I.O. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.06.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, victim has not supported the case of the prosecution and she has refused for her medical examination, let the petitioner, above named, be released 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 Judicial Magistrate 1st Class, Begusarai in connection with Phulwaria P.S. Case No. 53 of 2023, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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