

# Santosh Kumar Chaudhary vs The State Of Bihar on 15 February, 2025

**Author: Rajesh Kumar Verma**

**Bench: Rajesh Kumar Verma**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.5217 of 2025  
Arising Out of PS. Case No.-48 Year-2024 Thana- GAMAHARIYA District-  
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1. Santosh Kumar Chaudhary Son of Mahendra Chaudhary village- Kusi har, Ward No. 8, Ps- Gamhariya, Dist- Madhepura  
2. Meena Devi Wife of Santosh Kumar Chaudhary village- Kusi har, Ward No. 8, Ps- Gamhariya, Dist- Madhepura

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Versus

The State of Bihar ... .. Opposite Part

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate  
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER

2 15-02-2025

Heard Mr. Uday Chand Prasad, learned counsel for the petitioners and Mr. Uday Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gamhariya P.S. Case No. 48 of 2024, F.I.R. dated 28.03.2024 for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

3. According to prosecution case, the F.I.R named accused persons including these petitioners have kidnapped the daughter of the informant with an intention of her marriage.

4. Learned counsel for the petitioners submits that petitioner no. 2 carries two criminal antecedents other than the present one and petitioner no. 1 has clean antecedent and they have falsely been implicated in the present case. He further Patna High Court CR. MISC. No.5217 of 2025(2) dt.15-02-2025 submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. In fact, the victim was in love with the co-accused, Manish Kumar and petitioners have no role at all in the present occurrence. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita in which she has not stated

anything about the petitioners rather she has stated that she was in love with the co-accused, Manish Kumar and she wants to marry him.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as the statement of the victim which was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Madhepura in connection with Gamhariya P.S. Case No. 48 of 2024, subject to Patna High Court CR. MISC. No.5217 of 2025(2) dt.15-02-2025 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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) Vanisha/-

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