

Manoj Chaudhary vs The State Of Bihar on 16 June, 2022

Author: Purnendu Singh

Bench: Purnendu Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15264 of 2022
Arising Out of PS. Case No.-254 Year-2017 Thana- BELA District-
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MANOJ CHAUDHARY, Son of Mahendra Chaudhary, Resident of village -
Sirsiya Bajar, P.S.- Bela, District - Sitamarhi.

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 16-06-2022

Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 30.08.2021, seeks regular bail in connection with Bela P.S. Case No. 254 of 2017 registered for offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

Allegation made in the FIR against the petitioner is that he had co-operated with the co-accused Sonu Chaudhary in kidnapping the daughter of the informant.

Learned counsel appearing on behalf of the petitioner submits that the daughter of the informant has now married with co-accused Sonu Chaudhary and they are living happily. One Patna High Court CR. MISC. No.15264 of 2022(2) dt.16-06-2022 child has taken birth out of matrimonial relationship. He further submits that other co-accused persons namely, Sonu Chaudhary and Manoj Chaudhary have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 09.03.2022 passed in Cr. Misc. No. 44647 of 2021. Petitioner has clean antecedent and he is in custody since 30.08.2021.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the fact that the victim girl, who is the daughter of the informant has entered into matrimonial relationship with the co-accused Sonu Chaudhary and the victim girl has not made any allegation against the petitioner of either physical assault or sexual assault. It appears to this Court that the petitioner, prima facie has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi in connection with Bela P.S. Case No. 254 of 2017 subject to the following conditions:

- (i) Bailors should be local having sufficient Patna High Court CR. MISC. No.15264 of 2022(2) dt.16-06-2022 immovable property within the jurisdiction of the Court concerned.
- (ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J) Niraj/-

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