

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18438 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- MUFFASIL District- West Champaran

PRASHANT KUMAR KAUSHAL @ PINTU SON SRI LALBABU
KAUSHAL RAJ RESIDENT OF VILLAGE - RAJENDRA NAGAR,
BANUCHHAPAR P.S - BETTIAH MUFFASIL (BANUCHHAPAR) DIST-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Adv. Mr.Abhishek Kumar, Adv. Ms.Rashmi Jha, Adv.
For the Opposite Party/s	:	Mr.Sharad Kumar Verma, Adv. Mr.Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 Heard learned counsels appearing for the parties
through virtual court proceedings.

The petitioner seeks bail in connection with Bettiah
Muffasil (Banuchhapar) P.S. Case No.124 of 2020, registered
for the offence punishable under Sections 363 and 366-A of
the IPC and 8/18 of the Protection of Children from Sexual
Offences Act, 2012 (POCSO Act).

Allegation against the petitioner is that he along with
one Lalbabu Kaushal Raj, his wife and two unknown persons
have kidnapped the daughter of the informant.

Learned counsel for the petitioner submits that the



petitioner is quite innocent and has not committed any offence as alleged in the FIR and he is simply a victim of false implication in this case just because the informant was opposing the sweet relation of his daughter with the petitioner. There is an inordinate delay of five days in lodging the FIR, which was lodged on 05.03.2020 and the alleged occurrence is said to have taken place on 01.03.2020 and there is no satisfactory explanation for the same. It is submitted that from the medical report, it was found that she was carrying pregnancy of 23 weeks and one day. The petitioner has no criminal antecedent and has been languishing in custody since 27.08.2020.

Learned APP for the State opposed the prayer for bail by submitting that the victim has supported the prosecution case in her statement recorded under section 164 Cr.P.C.

Considering the facts and circumstances of this case, I find that there is ample evidence against the petitioner and also the victim has fully supported the prosecution case in her statement recorded u/s 164 CrPC, as such, I am not inclined to grant bail to the petitioner named above.

Accordingly, the prayer for bail of the petitioner made through the instant bail application is hereby rejected.



However, learned trial court is directed to expedite the trial of the petitioner as expeditiously as possible.

(Anjani Kumar Sharan, J)

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