

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30821 of 2022**

Arising Out of PS. Case No.-45 Year-2022 Thana- SIKARPUR District- West Champaran

MUNNA KUMAR @ MUNNA KUSHWAHA SON OF RAJDEV
KUSHWAHA RESIDENT OF BHASURARI, WARD No.16, P.S.-
SHIKARPUR, DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 363, 366A, 341, 323, and 34 of the Indian
Penal Code and Sections 8 and 12 of the POCSO Act.

The minor daughter of the informant is said to have
been abducted by the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
as a matter of fact, no occurrence as alleged in the F.I.R. ever
taken place rather this false and fabricated case has been lodged
in the garb of a land dispute between the parties. The petitioner
has no concern with the alleged kidnapping of daughter of



informant. He further submits that as a matter of fact, the victim has already been married to another person, namely, Mannu Paswan and she used to reside in her matrimonial home. The victim in her statement recorded under Section 164 Cr.P.C. has categorically admitted this fact that she is married to another person. She has neither alleged any assault against the petitioner nor any injury report is available on record. Therefore, no case under Sections 363 and 366A of the Indian Penal Code is made out against the petitioner and the rigors of POCSO Act also does not apply in this case as the victim is major. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Shikarpur P.S. Case No. 45 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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