

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18420 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- ALINAGAR District- Darbhanga

Nitish Kumar @ Nitish Kumar Singh S/O Bindeshwar Singh Resident Of
Village- Laskariya, P.S.- Jainagar, (Wrongly Written In The Firas Khajauli),
District- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23581 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- ALINAGAR District- Darbhanga

PUSHPA DEVI Wife of Ram Kumar Sagar Resident of Kailja Colony, Phase-
2, P.S. - Industrial Area, Division No. 1, District - Jalandhar, At present
Resident of Khajauli (Durga Sthan), P.S. - Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18420 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Udbhav
Vaishnavi Singh

For the State : Mr. Md. Aslam Ansari

(In CRIMINAL MISCELLANEOUS No. 23581 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Ajay Kumar

For the State : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 20-02-2023 Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for

the State.

The petitioners have filed the instant application



for grant of regular bail in a case registered for the offences punishable under Sections 366(A), 372, 376, 504, 323, 506/34 of the Indian Penal Code and Section 6 of the POCSO Act.

The allegation against the petitioners is that they abducted the daughter of the informant, who was alleged to be minor at the time of occurrence, for orchestra program and flesh trade. It is also alleged that petitioner(Cr. Misc. No. 18420 of 2022) namely, Nitish Kumar also ravished the victim.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. There is land dispute between the parties. It is also submitted that the alleged occurrence took place on 13.02.2021 and the victim returned on 24.6.2021 and in between the said period neither the informant nor her husband took any care of the victim. It is further submitted that during



investigation witnesses vide para 18 of the case diary asserted that the victim usually went at the shop of one Nitesh, but she never made any complaint in respect of the offence. It is further submitted that Pushpa Devi(petitioner in Cr. Misc. No. 23581 of 2022) is not the wife of Nitish Kumar rather she is the wife of one Ram Kumar and she has falsely been implicated in the present case. Moreover, the petitioners are languishing in judicial custody for more than 6 months. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that victim, in her statement, recorded under section 164 of the Cr.P.C., has specifically stated about the complicity of Nitish Kumar @Nitish Kumar Singh (petitioner in Cr. Misc. No. 18420 of 2022). She has stated that Nitish Kumar has committed rape with her, several times and



Pushpa Devi (petitioner in Cr. Misc. No. 23581 of 2022)
assisted him in this offence.

Having heard learned counsel for the parties
and taking into consideration the facts and
circumstances of the case, this Court is inclined to
enlarge the petitioner, namely, Pushpa Devi(petitioner in
Cr. Misc. No. 23581 of 2022) on bail. The above named
petitioner is directed to be enlarged on bail in connection
with Alinagar P.S. Case No. 67 of 2021 on furnishing
bail bond of Rs. 10,000/- (Rupees ten thousand) with
two sureties of the like amount each to the satisfaction
of the learned Special Judge (POCSO Act), Darbhanga.

So far as, petitioner, namely Nitish Kumar @
Nitish Kumar Singh (Petitioner in Cr. Misc. No. 18420 of
2022) is concerned, there is direct allegation against
him.

This Court is not inclined to enlarge Nitish
Kumar @ Nitish Kumar Singh (Petitioner in Cr. Misc. No.
18420 of 2022) on Bail.



The trial Court is directed to expedite the trial
and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

nirajkrs/-

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