

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59395 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Raushan Kumar, S/O Umesh Prasad Resident Of Village Batrauliya, P.S.-
Muffasil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 127 of 2023, lodged on 11.02.2023 under
Sections 363, 366(A), 34 of the Indian Penal Code and section 8
of the POCSO Act.

3. As per the prosecution case, the FIR has been
lodged against the petitioner and others alleging that they have
kidnapped the daughter of the informant for the purpose of
marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that the petitioner and the daughter of the informant,



both were young and resident of the same locality and they were well known to each other and due to love affection, both eloped with their consent. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 03.05.2023.

5. Learned counsel for the petitioner submits that the petitioner is not an accused and as soon as getting information that FIR has been lodged, the petitioner had suo-moto surrendered and this aspect may be taken into consideration.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that vide order dated 12.09.2023, case diary has been called for and it transpires to that from the case diary, statement recorded under section 164 Cr.P.C. is there and in that statement she has alleged that the petitioner has raped her twice and taken her mobile and it has also come that the family members of the petitioner have tracked the phone of the petitioner and on the same day, return back with the petitioner and the victim and left the victim near the Motihari Railway station in the morning from where the petitioner reached to the police station.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the



petitioner in connection with Muffasil P.S. Case No. 127 of 2023, pending before the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran is hereby rejected.

9. However, the petitioner shall move for regular bail four months after framing of charge when the Trial Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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