

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64007 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- KASHICHAK District- Nawada

Pravesh Kumar Son of Sadhu Singh R/V- Birnama, P.S- Kashichak, Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kashichak P.S. Case No. 239 of 2021 registered for the offence
under Sections 366(A) and 34 of the Indian Penal Code (for
short 'I.P.C.'), however, after investigation police has submitted
charge-sheet under Sections 366(A), 376(3) and 34 of the I.P.C.
and under Section 04 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.05.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, aged about 16 years alongwith



other named co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that occurrence took place out of failed love affairs of co-accused Rupesh Kumar and daughter of the informant. It is also submitted that thrust of allegation is available against co-accused Rupesh Kumar and moreover, victim herself in her statement, as recorded under Section 164 of the Cr.P.C., specifically submitted that rape was committed upon her by co-accused Rupesh Kumar. It is also pointed out that nature of allegation is appearing very much general and omnibus as per the face of the F.I.R. and implication is only for the reason that petitioner is one of the friend of co-accused Rupesh Kumar. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of rape is available against co-accused Rupesh Kumar, where allegation against this petitioner is



appearing very much general and omnibus coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kashichak P.S. Case No. 239 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 learned Additional District & Sessions Judge-VI-cum-Special Judge (POCSO), Nawada/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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