

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68906 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- KUMAR KHAND District- Madhepura

SUMAN KUMAR @ BHOLA PASWAN son of Sushil Paswan @ Sushil Kumar, Resident of Village- Bhairapur Ward No.-2, P.S.- Kumarkhand District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kumarkhand P.S. Case no.166 of 2022 registered under section 366A of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that she saw the accused persons including the petitioner herein roaming in front of her house and asked them to leave. Subsequently, her 14 year old daughter was found missing from the house. The informant states that she is convinced that the accused persons have kidnapped her minor daughter.

4. Learned counsel for the petitioner submits that the daughter of the informant returned and her statement was



recorded both under section 161 Cr.P.C. as also 164 Cr.P.C. She has stated therein that she was in love with Sudhir Kumar for last 1½ years and they have performed court marriage. In the medical examination, her age was assessed to be between 17-18 years. The petitioner happens to be the next door neighbour of the victim. He is in custody since 9.7.2023 and has no criminal antecedent. It is lastly submitted that Sudhir Kumar @ Sudhir Ram has been enlarged on bail vide order dated 28.2.2023 passed in Cr. Misc. no.63781 of 2022.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the victim has levelled the allegations of kidnapping against this petitioner also.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation, the contents of the statement of the victim under section 164 Cr.P.C., the age of the victim having been assessed in the medical examination to be 17-18 years, the petitioner having remained in custody since 9.7.2023, chargesheet having been submitted in the case and specially grant of bail to co-accused Sudhir Kumar @ Sudhir Ram vide order dated 28.2.2023, the Court directs the petitioner to be enlarged on bail in connection



with Kumarkhand P.S. Case no.166 of 2022 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 Additional Sessions Judge VI-cum-Special Judge, POCSO, Madhepura.

(Partha Sarthy, J)

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