

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4784 of 2024

Arising Out of PS. Case No.-612 Year-2023 Thana- BUXAR District- Buxar

Harsh Bhushan Thakur Son of Chandra Bhushan Thakur R/o vill - Tarkanala
Main Road Buxar, P.S. - Buxar (T), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 19443 of 2024

Arising Out of PS. Case No.-612 Year-2023 Thana- BUXAR District- Buxar

Vikash Kumar son of Vijay Shankar Prasad Village- Po- Babhani Ps-
Karahgar Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 4784 of 2024)
For the Petitioner/s : Mr.Anand Kuamr Ojha, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 19443 of 2024)
For the Petitioner/s : Mr.Dhananjay Mishra, Advocate
For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 4 29-04-2024 Learned counsel for the petitioners and learned APP
for the State is present. No one appears on behalf of the
informant in spite of valid service of notice as per service report.
2. Heard learned counsel for the petitioners, learned
APP for the State and perused the case diary.
3. The petitioners seek bail in connection with Buxar



(T) P.S. case No. 612 of 2023 instituted for the offences under Section 366A of the Indian Penal Code and 8/12 of the POCSO Act.

4. Prosecution story, in short, is that minor daughter of the informant went missing on 04.11.2023. Informant suspects that an unknown person has kidnapped her daughter on the pretext of marriage.

5. Learned counsel for the petitioner, namely, Vikash Kumar (in Cr. Misc. No. 19443 of 2024) submitted that petitioner has falsely been implicated in the present case. Learned counsel appearing on behalf of the petitioner further submitted that there was love affair between the daughter of the informant and this petitioner (Vikash Kumar) and the daughter of the informant left her house on her own sweet will and there was no any forcible compulsion from the side of the petitioner. He further submitted that charge-sheet has been submitted under Sections 363, 366, 120B, 34 of the Indian Penal Code and 4, 8, 6 of the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.11.2023 and has no criminal antecedent.

6. Learned counsel appearing on behalf of the petitioner namely, Harsh Bhushan Thakur (in Cr. Misc. No.



4784 of 2024) submitted that petitioner has falsely been implicated in this case. He further submitted that petitioner is in no way connected with the alleged occurrence and the petitioner is unknown to the victim. He further submitted that Vikash Kumar (petitioner in Cr. Misc. No. 19443 of 2024) and the victim girl resided at the resident of this petitioner (Harsh Bhushan Thakur) for five days. He further submitted that except the fact that co-accused Vikash Kumar and victim resided at the residence of this petitioner, there is no material against this petitioner. The petitioner is in custody since 19.11.2023 and has no criminal antecedent.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP for the State further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that Vikash Kumar has forcibly made physical relations with her. Learned APP further submitted that victim has herself stated the involvement of Harsh Bhushan Thakur (in Cr. Misc. No. 4784 of 2024) in the alleged commission of crime.

8. Having considered the submissions canvassed by learned counsel for both the parties and the material available on record and the statement of the victim recorded under Section



164 of the Cr.P.C. in which she herself has stated the commission of crime with her, I am not inclined to release the petitioners on bail.

9. Prayer for grant of bail of both the petitioners is, hereby, rejected.

10. Learned trial Court is directed to conclude the trial expeditiously.

(Rudra Prakash Mishra, J)

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