

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20534 of 2024**

Arising Out of PS. Case No.-354 Year-2023 Thana- CHAKIA District- East Champaran

Nishant Kumar Son of Rampukar Kushwaha @ Rampukar Bhagat R/o
Village- Ghanshyam Pakri, P.S.- Pipra, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Priyanka Singh, Advocate
For the Informant	:	None
For the Opposite Party/s	:	Mr.Binay Krishna, APP

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

ORAL ORDER

3 01-05-2024 Learned counsel for the petitioner and learned APP
for the State is present. No one appears on behalf of the
informant in spite of valid service of notice to opposite party
no.2.

2. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

3. The petitioner seeks bail in connection with Chakia
P.S. case No. 354 of 2023 instituted for the offences under
Sections 365/363/34 of the Indian Penal Code, Section 8 of the
POCSO Act and Sections 3(1)(s), 3(i)(x) and 3(1)(w)(xii) of the



SC/ST Act.

4. Prosecution case, in short, is that on the alleged date and time of occurrence, the daughter of the informant went to study in tuition center but did not return. It is further alleged that this petitioner called the informant that he has kidnapped his daughter. It is further alleged that informant received information that this petitioner was taking his daughter to Muzaffarpur and on this information, he (informant) managed to catch this petitioner along with his daughter. In the meantime, the petitioner abused the informant using caste name and also threatened him.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of four days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. He further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that this petitioner covered her face by a towel and then spread some medicine on her face and then the victim became unconscious. The victim has further stated in her statement that when she was conscious, the petitioner has not committed any wrong with her. He further submitted that as



per medical report there is no mark of injury or torture on the body of the victim. Learned counsel further submitted that no offence under SC/ST Act is made out against the petitioner has the same is only super addition to make the grievous in nature. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.10.2023 and has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that this petitioner has kidnapped the victim by covering her face with a towel and spreading some medicine over it due to which she became unconscious and this fact has specifically been stated by the victim in her statement recorded under Section 164 of the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case and taking into consideration the medical report and the statement of the victim recorded under Section 164 statement of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Chakia P.S. case No. 354 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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