

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15920 of 2024

Arising Out of PS. Case No.-108 Year-2022 Thana- MAINATAND District- West Champaran

Praduman Kumar @ Raj Kishore Kumar S/O Baidnath Kushwaha R/O
Village- Ramnagar, P.S- Maintand, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 36 and 366(A) of the Indian
Penal Code and under Section 8 of the POCSO Act.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged about 20 years and is in custody since 21.10.2022.

4. It is further submitted that petitioner has been
falsely implicated in the instant case by the informant. It is
further submitted that petitioner and the victim were in love and
they eloped to Delhi. It is further submitted that the victim in



her statement recorded under Section 164 Cr.P.C. alleges that she was kidnapped by five accused persons including the petitioner, but then does not alleges about any sexual violence.

5. It is also submitted that it absolutely does not stand to reason that the victim would have remained in an unconscious state from West Champaran to Delhi when she alleges that she was taken by train to Delhi, it is also submitted that it does not stand to reason that in the train no passenger would have noticed the fact that a girl in an unconscious state is being accompanied by five accused persons. The learned counsel next submits that charges have been framed and the petitioner will cooperate in the trial.

6. The learned APP opposes the regular bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, VIIth, Special Judge POCSO, West Champaran, Bettiah in connection with Mainatand P.S. Case No.108 of 2022, subject to the conditions



laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, in the event if the learned trial court comes to a conclusion that petitioner after being released on bail is trying to delay the trial in any manner, the trial court would be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

Prakash Narayan

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