

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16631 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- KOTWA District- East Champaran

Chandan Kumar Son Of Ramesh Rai Resident Of Village- Dulhan Ke
Hardiya, Ps- Turkauliya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16769 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- KOTWA District- East Champaran

1. Suresh Rai Son Of Battakh Rai Resident Of Village- Sobaiya, Ps- Kotwa, Distt- East Champaran
2. Sona Devi Wife Of Ramesh Prasad Yadav Resident Of Village- Dulhan Ke Hardiya, Ps- Turkauliya, Distt- East Champaran
3. Birendra Rai Son Of Late Baidnath Rai Resident Of Village- Koeergawa (Maharani Bopat), Ps- Kotwa, Distt- East Champaran
4. Ashok Rai @ Ashok Kumar Son Of Bhikhari Rai Resident Of Village- Koeergawa (Maharani Bopat), Ps- Kotwa, Distt- East Champaran
5. Indu Devi Wife Of Pahari Rai Resident Of Village- Koeergawa (Maharani Bopat), Ps- Kotwa, Distt- East Champaran
6. Bagari Devi Wife Of Birendra Rai Resident Of Village- Koeergawa (Maharani Bopat), Ps- Kotwa, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 16631 of 2024)
For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary
Mr. Abhishek Kumar
Mr. Hemant Ray
(In CRIMINAL MISCELLANEOUS No. 16769 of 2024)
For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER



8 20-11-2024

Ref:- Cr. Misc. No. 16631 of 2023

Heard the learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in connection with Kotwa P.S. Case No. 368 of 2023 registered for the offence under Sections 363, 366(A), 341, 323, 324, 307, 504, 506, 379, 325/34 of the Indian Penal Code and Section 8, 12 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have participated in the kidnapping of the victim girl along with the main accused Akhilesh Ray.

4. Learned counsel for the petitioner submits that co-accused Akhilesh Rai is now married to the victim girl and has a child also. The petitioner is in custody since 15.12.2023.

5. Learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer of the petitioner for bail.

6. This application is disposed of with a direction to the Court below to verify the submission of the learned counsel for the petitioner as to whether the main accused Akhilesh Rai has got married to the victim or not. If the Court below finds that Akhilesh Rai has got married to the victim then the



petitioner shall be released on regular bail. If the statement of the learned counsel for the petitioner is found to be false, the court below shall not release the petitioner on regular bail.

Ref:- Cr. Misc. No. 16769 of 2024

Heard the learned counsel for the petitioners and learned APP for the State.

2. This is an application for grant of anticipatory bail on behalf of the petitioners in connection with Kotwa P.S. Case No. 368 of 2023 registered for the offences under Sections 363, 366(A), 341, 323, 324, 307, 504, 506, 379, 325/34 of the Indian Penal Code and Section 8, 12 of the POCSO Act.

3. As per the prosecution case, the petitioners are alleged to have participated in the kidnapping of the victim girl along with the main accused Akhilesh Ray.

4. Learned counsel for the petitioners submits that co-accused Akhilesh Rai is now married to the victim girl and has a child also.

5. Learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer of the petitioner for bail.

6. This application is disposed of with a direction to the Court below to verify the submission of the learned counsel



for the petitioners as to whether the main accused Akhilesh Rai has got married to the victim or not. If the Court below finds that Akhilesh Rai has got married to the victim then the petitioners shall be released on anticipatory bail. If the statement of the learned counsel for the petitioners is found to be false, the court below shall not release the petitioners on anticipatory bail.

(Sandeep Kumar, J)

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