

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25171 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- NAWANAGAR District- Buxar

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LUVKUSH KUMAR @ LAVKUSH PASWAN SON OF VINOD PASWAN
RESIDENT OF VILLAGE- THORI PANDEYPUR, PS- MURAR, DIST-
BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Umesh Lal Verma

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

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in POCSO P.S. Case No.
64 of 2023, instituted for the offence punishable under
sections 363, 366A, 376 of the Indian Penal Code and Section
4/6 of the POCSO Act.

3. As per FIR, the informant alleged that the
petitioner and co-accused persons enticed away her daughter
for the purpose of marriage.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. He has falsely been implicated in this



present case merely on the basis of suspicion. As per para 8 of the bail petition and impugned order, statement of the victim was recorded under Section 164 of the Cr.P.C., wherein she has stated that she was in love with this petitioner and she went with him with her own sweet-will. Thereafter, they solemnized marriage and out of their wedlock they have also one girl child. The petitioner is languishing in judicial custody since 02.04.2023, and has no criminal antecedent. Learned counsel for the petitioner further placed reliance on cases of the Hon'ble Supreme Court since reported in ***2018 SCC online SC-3100 (Dr. Dhruvram Murlidhar Sonar versus the State of Maharastra and others and (2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. the State of Maharastra and others).***

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and fair criminal antecedent, this Court is inclined to grant bail to the petitioner.

7. 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 POCSO P.S. Case
No. 64 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.

(Rudra Prakash Mishra, J)

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