

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26716 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- BAUNSI District- Banka

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Kundan Kumar Son of Suresh Sah Resident of Village- Mahadeopur, P.S.-
Sanhaula, Dist.- Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bounsi P.S. Case No. 18 of 2024 registered for the offence under
Sections 364, 120(b) / 34 of IPC and Section 4 of POCSO Act.

3. As per the prosecution case, the informant on
20.01.2024 alleged that accused persons namely Ashok Kumar,
Kanchan Devi, Nitesh Thakur, Ritesh Thakur and Hitesh Thakur
along with some unknown persons had murdered her minor daughter
and hide her dead body.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the present
case. He further submits that the petitioner is custody since
29.01.2024.

5. However, learned APP for the State vehemently
opposed the prayer for regular bail.

6. On perusal of the FIR and impugned order dated



05.03.2024, it appears that on the basis of written report of the informant FIR was registered against five accused persons. The petitioner is not named in the FIR. On perusal of the statement of the victim recorded under Section 161 Cr.P.C. mentioned at para 36 of the case diary wherein she stated that accused petitioner is the brother-in-law of her cousin and she used to talk with him on phone for the last two years. When her family fixed her marriage somewhere else then she called the petitioner Kundan to her house. On perusal of the statement of the victim recorded under Section 164 of Cr.P.C, it appears that her statement is totally corroborated with the statement recorded under Section 161 Cr.P.C. and no allegation against the petitioner for involvement in this occurrence.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 learned Court of Additional Sessions Judge – VI – cum Special Judge, POCSO, Banka in connection with Bounsi P.S. Case No. 18 of 2024.

(Ramesh Chand Malviya, J)

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