

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42321 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- DARPA District- East Champaran

Bittu Kushwaha, Male, aged about 25 years, S/O Umesh Mahto, R/O Village-
Gamhariya Khurd, P.S. Aadapur, Dist-East Champaran, Motihari.

... .. Petitioner

Versus

1. The State of Bihar.
2. Khatuna Khatoon, W/O Nasir Miya, R/o Village-Bariyarpur Dubaha Bazar,
P.S. Darpa, Distt-East Champaran, Motihari.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Rana Randhir Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 06-08-2024 This matter has been listed under the heading 'For
Orders (on office notes)'.

2. Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

3. The petitioner seeks bail in connection with Trial
No. 24 of 2024, arising out of Darpa P.S. Case No. 62 of 2023
dated 17.06.2023 registered for the offences punishable under
Sections 363, 366A/34 of the I.P.C. and Section 8 of the POCSO
Act.

4. As per the prosecution case, on 28.05.2023, the
petitioner and the co-accused persons are alleged to have



kidnapped the minor daughter of the informant for the purpose of marriage.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There was love affair between the parties. It is submitted that the statement of the victim has been recorded under Section 164 of the Cr.P.C. in which she has stated that on 28.05.2023, at about 9.00 P.M., the victim and the petitioner went to Delhi from Motihari and got married to each other and thereafter physical relationship was established between them. She further stated that the petitioner has not misbehaved with her. They used to talk on phone to each other for one year. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 12.12.2023.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran, Motihari in connection with Tr. No. 24 of 2024, arising out of Darpa P.S. Case No. 62 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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