

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40309 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- NAUTAN District- West Champaran

Rakesh Kumar @ Rakesh Paswan Son Of Basant Paswan @ Vasant Paswan
R/O- Village Vishunpura, P.S- Nautan (JAGDISHPUR), Dist- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nazma Khatoon W/O- Mahmud Miyan R/O- Vill- Nakti Bhaterwa, P.S-
Jagdishpur, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nautan
P.S. Case No. 44 of 2024 dated 28.01.2024, instituted for the
offence punishable under Sections 363, 366(A), 34 of the Indian
Penal Code and under Section 8 of the POCSO Act.

3. The prosecution case, in short, is that on
01.01.2024 at about 11:00 pm, the daughter of the informant
went to attend the call of nature but did not return till late night
then all the family members of the informant started searching
her but could not succeed. It is further alleged by the informant
that the petitioner along with other accused persons has



kidnapped her daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is a young boy of 18 years and there was love affair between the petitioner and daughter of informant (victim). It is further submitted that statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not supported the prosecution story and told that she fled with the petitioner on her own sweet will and denied the factum of kidnapping. The victim girl has also stated that she has solemnized marriage with the petitioner. Learned counsel further submitted that presently, the victim girl is residing with the parents of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 12.02.2024, he has no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Special Judge POCSO
Cum A.D.J. 6th, Bettiah, West Champaran in Nautan P.S. Case
No. 44 of 2024.

(Khatim Reza, J)

Sankalp/-

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