

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45139 of 2024

Arising Out of PS. Case No.-657 Year-2022 Thana- DHAKA District- East Champaran

Arvind Kumar @ Arvind Kushwaha Son of Ramapravesh Mahto R/O Vill.-
Karsahiyan, P.S.- Dhaka, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar BIHAR
2. Shobha Devi Wife of Sri Mishri Lal Baith R/O Vill.- Karsahiyan, P.S.-
Dhaka, Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Dhaka P.S. Case No. 657 of 2022, registered for the offences punishable under Sections 363, 366(A) of the IPC, Section 3(i)(r)(s) of the SC/ST (POA) Act and after investigation, police submitted charge-sheet for the offence under Section 8 of the POCSO Act.

3. As per allegation, the petitioner along with other co-accused persons kidnapped the minor daughter of the informant and also threatened the son of the informant with a country-made pistol.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The informant has already lodged a case against the petitioner and his family members under the provisions of SC/ST Act and some other cases have also been filed by the informant's side due to village rivalry between them. He has submitted further that the age of the victim has been found 18-19 years, as such, the provisions of POCSO Act are not applicable in this case.

5. Considering the above-mentioned facts and circumstances and also the fact that the parties are at litigating terms, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 657 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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