

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42847 of 2024

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

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1. SHASHIKANT KUSHWAHA SON OF BHAGAT PRASAD KUSHWAHA
VILLAGE- KARSAHIYA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN
 2. MAHANTH PRASAD KUSHWAHA SON OF LATE CHANNU MAHTO
VILLAGE- KARSAHIYA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN
 3. MANOJ PRASAD KUSHWAHA SON OF LATE CHANNU MAHTO
VILLAGE- KARSAHIYA, P.S.- DHAKA, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHOBHA DEVI W/O- MISHRI LAL BAITHA VILLAGE- KARSAHIYA,
P.S.- DHAKA, DISTT.- EAST CHAMPARAN AT MOTIHARI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar , Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-08-2024 Learned counsel for the petitioners is permitted to
make correction in paragraph 1 of the bail.

2. Heard learned counsel for the petitioners and
learned APP for the State. 2.

3 . The petitioners have prayed for regular bail in a
case instituted for the offence under Sections 363 , 364, 366(A) ,



120(B), 506 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

4. As per prosecution case , it is alleged that these petitioners 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.

5 . It is submitted by learned counsel for the petitioner s that specific accusation is against co-accused Arvind Kumar and the victim in her statement in her statement recorded under Section 164 cr. P C has categorically stated that co-accused Arvind Kumar has taken away her at naurangia and other places. There is no allegation of any sexual assault against these petitioners. The said co-accused Arvind Kumar has already been granted bail vide order dated 02.07.2024 in Cr. Misc. No. 45139 of 2024 . Petitioners are in custody since 22.11.2023 .

6. Learned counsel for the State opposed the bail petition .

7. Considering the period of custody and the fact that co-accused Arvind Kumar against whom there is specific accusation has already been granted bail, prayer for bail of the petitioners is allowed.

8 . Let the petitioners, as named above, be enlarged



on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -VI – cum – Special Judge POCSO Act East Champaran at Motihari (Bihar) in connection with Dhaka Police Station Case No. 657 of 2022 .

(Prabhat Kumar Singh, J)

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