

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60501 of 2024

Arising Out of PS. Case No.-265 Year-2020 Thana- ISLAMPUR District- Nalanda

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Dipu Kumar Son of Ram Vijay Singh @ Tuntun Singh R/O Vill.- Kobil, P.s.-
Islampur, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Paswan Son of Birju Paswan R/O Vill.- Kobil, Chamar Toli, P.s.-
Islampur, Dist.- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
POCSO Case No. 1138 of 2020 arising out of Islampur P.S.
Case No. 265 of 2020 instituted for the offence under Sections
341, 323, 456, 504 & 506 of the Indian Penal Code and Sections
8/12 of the POCSO Act. Section 3(i)(r)(s)(w) of the SC/ST was
added later on.

3. Prosecution case in short is that in the night of 18-
05-2020, four persons entered into the house of the informant
and thereafter, petitioner pointed pistol on the informant and
whereafter co-accused, namely, Sukhai Kumar outraged the



modesty of her daughter and kidnapped her.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21-02-2024. Petitioner bears four criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that specific allegation is against co-accused, namely, Sukhai Kumar. Learned counsel next submits that daughter of the informant was in love affair with co-accused, Sukhai Kumar, who is brother of the petitioner. It is submitted that petitioner resides separately from his brother and he has no concern about his personal life. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly submitted that victim has not yet been recovered.

7. Considering the aforesaid facts and circumstances of the case and the fact that victim has not yet been recovered, this Court is not inclined to grant bail to the petitioner. Prayer is *rejected*.

8. However, petitioner will be at liberty to renew his



prayer for grant of bail if the trial is not concluded within a
period of six months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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