

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66531 of 2024

Arising Out of PS. Case No.-246 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Rohit Kushwaha Son of Amarjit Kushwaha @ Amarjit Bhagat @ Amarnath Bhagat @ Amarnath Kushwaha Resident of Mohalla - Plot No.B-29, Near Water Tank, Ward No.-9B Harihar Society, Kochha Bharat Nagar, Gandhi Dham, State - Gujrat, Permanent Resident of Village - Barram, P.S. - Hussainganj, District - Siwan, Bihar - 841241

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Son of Ravindra Nath Thakur Resident of Mohalla - Masoomganj, Ramashre Colony, P.S. - Bagwan Bazar, District - Chhapra, Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Maheshwar Prasad, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For the Informant/s	:	Mr. Umesh Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhagwan Bazar P.S. Case No. 246 of 2022 dated 13.05.2022 registered for the offences punishable under Sections 366A and 376 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has transpired in this case merely on suspicion. Learned counsel has further submitted that there is nothing on record which shows that the victim was forced/seduced to have illicit intercourse with another person. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.04.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the bail petition of the petitioner and submitted that the victim is minor girl. It is further submitted that the victim traveled about four months with the petitioner with her own sweet will and also established physical relation with her consent.

6. 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 Exclusive Special Judge(POCSO Act), Saran in connection with Bhagwan



Bazar P.S. Case No. 246 of 2022, with the 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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