

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79280 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- BHAWANIPUR District- Purnia

CHHOTU KUMAR Son of Late Sita Ram Mandal R/o vill - Sripur, P.S. -
Bhawanipur, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.1, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Bhawanipur P.S. Case
no. 186 of 2022 registered under sections 363, 366A, 368 and
34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the minor daughter of
the informant who had gone out to ease herself was kidnapped
by three named accused persons including the petitioner herein.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. The daughter
of the informant returned the same day and it was only after
recovery that the F.I.R was registered and that too after a delay
of four days without any reasonable explanation for the same.



FIR named co-accused Lalan Kumar has been enlarged on bail by the learned trial Court itself. The petitioner is in custody since 25.9.2023 and has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State who submits that so far as the contents of the photocopy of the order granting bail to co-accused Lalan Kumar is concerned, the same was allowed for the reasons that it had come in paragraph no. 59 of the case diary that the involvement of Lalan Kumar has not transpired and further in paragraph no. 71 of the case diary that as per the CDR of the mobile phone of Lalan Kumar his tower location on the date of occurrence is shown to be in Haryana.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R so far as this petitioner is concerned together with the contents of the statement under section 164 Cr.P.C and the case of the petitioner being distinguishable from the case of the aforesaid Lalan Kumar, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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