

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6158 of 2025

Arising Out of PS. Case No.-144 Year-2021 Thana- PARIHAR District- Sitamarhi

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Vicky Kumar Son of Dinesh Rai Resident of village- Sukki Musharniya PS-
Parihar District- Sitamarahi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Thakur son of Late Rajendra Thakur Resident of village- Sukki
Musharniya PS- Parihar District- Sitamarahi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Adv

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Parihar P.S. Case No. 144 of 2021 registered for the offences

under Sections 363, 366(A), 380 and 34 of the IPC and

Section 8 of the POCSO Act.

3. The petitioner is not named in the F.I.R. and is in

custody since 24.11.2024.

4. The allegation against the petitioner is to kidnap



the minor daughter of the informant alongwith other co-accused persons/family members for the purpose of illicit intercourse/marriage. It is also alleged that cash of Rs. 20,00,000/- was looted by accused persons from the house of the informant during the course of occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that fact of this case suggests that minor daughter of the informant was in love affairs with one Rahul Kumar. The petitioner is a co-villager having close association with the family of said Rahul Kumar and for the said reason, he was implicated with the present case. It is further submitted that victim did not raise any overt act against this petitioner, while recording her statement under Section 164 of the Cr.P.C., rather she stated that petitioner was present as an accomplice of the main co-accused Rahul Kumar. In this context, it is pointed out that before recording the statement under Section 164 of the Cr.P.C. victim was with her parents and therefore the tutoring *qua* statement cannot be denied. It is pointed that several co-accused facing similar allegations have already granted anticipatory bail by learned co-ordinate



bench of this Court through Cr. Misc. No. 2622 of 2022 vide order dated 02.08.2022. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arising out of friendship with main accused Rahul, where *prima-facie* victim after recovery failed to alleged petitioner in specific terms, coupled with the fact that petitioner is in custody since 24.11.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Parihar P.S. Case No. 144 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI cum Special Judge, POCSO Act, Sitamarhi/concerned court, subject to the



conditions as mentioned under Section 437(3) of the
Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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