

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18875 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- RIGA District- Sitamarhi

Vikash Kumar @ Vikram Kumar S/O Krishnandan Ram R/O Village- Sangram Fandah, P.S.- Riga, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambha Devi W/O Upendra Raut R/O Village- Sangram Fandah, P.S- Riga, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 02-07-2025 Heard Mr. Santosh Kumar, learned counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Riga P.S. Case No. 231 of 2024 instituted for the offence under Sections 137, 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. Prosecution case in short is that informant's daughter aged about 14 years had gone to purchase medicine but she did not come back; she was searched and informant came to know that Sanjeev Kumar, Shivam Kumar, Ripu Kumar, Fekani Devi and Gopal Ram had kidnapped her and when the informant went to the house of these persons, they were absconding from



their house. It is further alleged that quarrel had taken place with Fekani Devi four days earlier from the occurrence and she had threatened to kidnap the informant's daughter.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14-11-2024. Petitioner bears no 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. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case in the statement of the victim recorded under Section 183 of the BNSS, 2023. There is contradiction in the statements of the victim recorded under Sections 180 and 183 of the BNSS, 2023. Victim has refused for her medical examination. It is mainly submitted that there is no allegation of sexual exploitation against the petitioner even in the statement of the victim recorded under Section 183 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Police after completion of investigation has submitted charge sheet in this case.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner, there being no specific allegation against the petitioner even in the statement of the victim recorded under Section 183 of the BNSS, 2023 and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Riga P.S. Case No. 231 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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