

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28921 of 2025

Arising Out of PS. Case No.-378 Year-2023 Thana- CHIRAIYA District- East Champaran

Tuntun Kumar @ Tuntun Sah S/o- Binod Sah @ Binod Kumar Resident Of
Village- Belahi, Ps- Chiraiya, Dist-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Thakur S/o- Late Ram Swaroop Thakur Resident Of Village-
Belahi,Po- Rampur, Ps- Chiraiya, Dist-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Chiraiya P.S. Case No. 378 of 2023 instituted for the offence
under Sections 365, 366A of the Indian Penal Code and Section
8 of the POCSO Act.

3. On August 8, 2023, Informant reported that his 14-
year-old daughter, had gone missing on July 15, 2023. He
suspects that petitioner lured her away, along with her mother's
jewellery and Rs. 30,000/- in cash. The parents of the accused
had initially promised to return the daughter, but she has not
been found.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-02-2025. Petitioner bears no criminal antecedent/s, 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. Learned counsel for the petitioner submits that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she has performed marriage with the petitioner at her own volition. As per medical report, no evidence of physical or perineal injury. 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.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no over act alleged against the petitioner in the statement of victim recorded under Section 164 of the Cr.P.C. 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. 15,000/- (Fifteen Thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Chiraiya P.S. Case No. 378 of 2023, 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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