

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32673 of 2025**

Arising Out of PS. Case No.-45 Year-2022 Thana- SIKARPUR District- West Champaran

Murari Kushwaha S/o Late Sahbir Mahto R/o Village- Bhasurari, P.S.-  
Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chattu Paswan S/o Late Bannu Paswan R/o Village- Bhasurari, P.S.-  
Shikarpur, District- West Champaran (Informant)

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Gyan Prakash, Advocate      |
| For the Opposite Party/s | : | Mr. Sadanand Paswan, APP        |
| For the Informant        | : | Mr. Amit Kumar Pandey, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      01-08-2025                      Heard Mr. Gyan Prakash, learned counsel for the  
  
petitioner, Mr. Amit Kumar Pandey, learned counsel appearing  
  
on behalf of the informant as well as Mr. Sadanand Paswan,  
  
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
11.04.2025 in connection with Shikarpur P.S. Case No. 45 of  
2022, F.I.R. dated 17.01.2022 for the offences punishable under  
Sections 363, 366(A), 341, 323 and 34 of the Indian Penal  
Code, Sections 8 and 12 of the POCSO Act and Sections 3(i)(r)  
(s) of SC/ST Act but the police have submitted chargesheet  
under Sections 363, 366(A) and 34 of the Indian Penal Code,  
Sections 8 and 12 of the POCSO Act and Sections 3(i)(r)(s) of



SC/ST Act.

3. According to prosecution case, co-accused Munna Kushwaha kidnapped the daughter of the informant and when the informant went to Munna Kushwaha's house then other accused persons have abused and assaulted the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the victim which was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has stated that the petitioner and co-accused persons have tied her mouth with the help of *dupatta*. He further submits that in fact, the victim has performed marriage with the co-accused, namely, Muuna Kumar @ Munna Kushwaha and the said Munna Kumar @ Munna Kushwaha has been granted regular bail by this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 30821 of 2022. Another co-accused, namely, Rajdeo Kushwaha @ Rajdeo Mahto and another have been granted bail by a co-ordinate Bench of this Court vide order dated 09.01.2023 passed in Cr. Misc. No. 32122 of 2022. He



further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.04.2025.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the victim has stated the name of the petitioner in her statement recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, he is not named in the F.I.R and the similarly situated co-accused persons have been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, West Champaran, Bettiah in connection with Shikarpur P.S. Case No. 45 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Vanisha/-

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