

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36461 of 2025

Arising Out of PS. Case No.-265 Year-2020 Thana- ISLAMPUR District- Nalanda

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Dipu Kumar Son of Ram Vijay Singh @ Tuntun Singh Village -Kobil PS-
Islampur District -Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. X, Village -Kobil , Chamar Toli, PS- Islampur District -Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

4 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with POCSO
Case No. 1138 of 2020 arising out of Islampur P.S. Case No.
265 of 2020 instituted for the offences under Sections 366A,
34, 341, 323, 456, 504, 506 of the Indian Penal Code and 8/12
of the POCSO Act.

3. Earlier vide order dated 14.11.2024 passed in Cr.
Misc. No. 60501 of 2024 the prayer for grant of bail to the
petitioner was rejected.



4. Prosecution case, in short, is that, in the night of 18.05.2020, four persons entered the house of the informant and, thereafter, petitioner pointed pistol on the informant and whereafter, co-accused Sukhai Kumar outraged the modesty of her daughter and kidnapped her.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The specific allegation is against co-accused Sukhai Kumar. Learned counsel further submitted that the daughter of the informant was in love with the co-accused Sukhai Kumar, who is the brother of the petitioner. Learned counsel further submitted that petitioner is being dragged in this case merely because he is the brother of the main accused Sukhai Kumar. Learned counsel further submitted that there are six charge-sheeted witnesses and out of them, three have been examined. Learned counsel further submitted that victim has not been examined as she has not been recovered as yet. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.02.2024 and has four criminal antecedents.



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, there being no direct allegation against this petitioner rather the direct allegation being against his brother, namely, Sukhai Kumar, as also the period of custody undergone by the petitioner, 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 1138 of 2020 arising out of Islampur P.S. Case No. 265 of 2020, 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.

(III) If the petitioner tampers with the evidence or the witnesses or threatens the informant or his family members, in



that case, the prosecution will be at liberty to move for
cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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