

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33558 of 2025

Arising Out of PS. Case No.-127 Year-2024 Thana- MAJHAULIA District- West Champaran

Kundan Kumar Son of Vishwakarma Thakur @ Vishvkarma Thakur Resident
of Village - Chailabhar, Ward No.- 09, Police Station - Majhaulia, District -
West Champaran. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Chandrika Giri Resident of village - Chailabhar, Police
Station - Majhaulia, District - West Champaran (Bettiah).
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2025 Heard Mr. Brij Kishor Mishra, learned counsel for

the petitioner and Mr. Ram Priya Sharan Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Majhauliya (Majhaulia) P.S. Case No. 127 of
2024, F.I.R. dated 18.02.2024 for the offences punishable under
Sections 363, 366-A, 34 of the Indian Penal Code and later on
Sections 8,12 of the POCSO was added.

3. As per the First Information Report, the informant
alleged that the petitioner along with other accused persons
kidnapped her daughter.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the



FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and infact the petitioner was in love with the victim and both have performed marriage at Bangalore and now the victim is living with the petitioner as his wife and apart from that the victim has stated before the police that she has performed the marriage with the petitioner. Although on the date of occurrence the victim was minor but now the victim is major,

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Special Judge POCSO-cum-ADJ-VI, West Champaran at Bettiah in connection with Majhauriya (Majhauria) P.S. Case No. 127 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. One of the bailors shall be the victim, namely,
Sapna Kumari.

ii. 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.

iii. 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.

iv. 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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