

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41107 of 2025

Arising Out of PS. Case No.-609 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Kundan Kumar @ Kundan Kumar Kushwaha S/O Shambhu Singh R/O
Village- Bari Musehari, P.S- Chapra Mufassil, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anju Devi W/O Pramod Sharma R/O Vilage- Marahiya, P.S- Chapra Muffasil, Dist.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Chapra Muffasil P.S. Case No. 609 of 2021 registered for the offence under section 366(A) of the Indian Penal Code and section 4/6 of the POCSO Act.

3. As per the prosecution case, the informant states that her 13 years old daughter was taken away by the accused Akash Kushwaha. She has not been found in spite of search.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He is not



named in the F.I.R. The victim returned and her statement was recorded under section 164 Cr. P.C. wherein though she has named the petitioner herein, the main allegation is against co-accused Akash and not the petitioner. The petitioner has no criminal antecedent.

5. The application for bail is opposed by the learned A.P.P. appearing for the State who submits that the minor daughter of the informant was taken away by Akash as also the petitioner herein. It is submitted that in her statement under section 164 Cr. P.C., the victim has categorically stated that while co-accused Akash committed rape on her, it was the petitioner who used to lock her up in the room at Patna and used to keep a watch on her. She remained there for 15 days.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the contents of the statement of the victim recorded under section 164 Cr. P.C. wherein besides naming the petitioner, the victim has stated about the role played by the petitioner in locking her up for 15 days and keeping a watch on her, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned



court below within a period of four weeks.

(Partha Sarthy, J)

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