

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57032 of 2025

Arising Out of PS. Case No.-404 Year-2022 Thana- SANGRAMPUR District- East
Champanan

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Kundan Kumar S/O Bhagyanarayan Kushwaha @ Bhagyanarayan Prasad
R/O Village- Bhawanipur, Ward No.- 4, P.S.-Sangrampur, District- East
Champanan

... .. Petitioner

Versus

1. The State of Bihar
2. Gulabi Devi W/O Bagar Das R/O Village- Bhawanipur, Ward No.- 5, P.S.-
Sangrampur, District- East Champanan

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Rahul Singh, Advocate
For the Opposite Party/s	:	Mr. Pushpa Sinha.1, APP
For the Informant	:	Mr. Roop Kishan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Sangrampur P.S. Case
No. 404/2022 dated 05.12.2022 registered for the offence
punishable u/s 366A read with Section 34 of the Indian Penal
Code and Sections, 4, 6 and 8 of the POCSO Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have kidnapped the minor
daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. As per Annexure-2, a compromise petitioner has been



filed in the court of learned POCSO Act Judge for withdrawal of permission of this case. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. The victim in her statement recorded u/s 164 of the Cr.P.C. has not supported the prosecution story. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 01.06.2025.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. Learned counsel has further submitted that the victim is living with the petitioner's family.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 404/2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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