

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61478 of 2025

Arising Out of PS. Case No.-495 Year-2024 Thana- HARNAUT District- Nalanda

Kavi Kumar S/o Karu Paswan R/o Village- Bari Mudhari, P.S.- Harnaut,
Distt- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Pandey S/o Vinod Pandey R/o Vill- Bari Mudhari, P.S.- Harnaut,
Distt- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Nand Kumar, APP
For the Informant	:	Mr. Bindeswari Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-11-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Harnaut P.S. Case no.495 of 2024
registered under sections 96, 303(2), 70(2) and 3(5) of B.N.S,
2023 and Section 4/6 of the POCSO Act.

3. The allegation in the F.I.R is that informant's sister
went missing. The informant has apprehension that the accused,
namely Pankaj Kumar and Amit kumar have kidnapped her
sister with the help of some other persons.

4. Learned counsel for the petitioner submits at the
outset that petitioner is not named in the F.I.R and no suspicion



was raised against him in the F.I.R rather the same is specific against Pankaj and Amit Kumar. It is further submitted that F.I.R was lodged after an inordinate delay of three days and even thereafter no suspicion could be raised against the petitioner. So far as statement of the victim girl recorded under Section 180 and 183 of the B.N.S.S is concerned, it would appear that it was one Sudama who had taken her forcibly in the car and committed sexual assault upon her along with the petitioner. However, it is pointed out that during the trial, the victim girl has not supported the case of the prosecution and has been declared hostile. On the basis of such deposition of the victim in the connected trial of Sudama, also led to his acquittal. The petitioner is in custody since 24.06.2025 and he undertakes to co-operate in the case/trial.

5. Learned counsel for the informant does controvert this fact that the victim has not supported the case of the prosecution during course of trial of either Sudama or the petitioner.

6. Taking into consideration the above mentioned facts of the case and also considering that the victim girl has not supported the prosecution case in her deposition coupled with the fact that there is unexplained delay of three days in lodging



of the F.I.R and petitioner is in custody since 24.06.2025, the petitioner is directed to be enlarged on bail in connection with Harnaut P.S. Case no.495 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the condition that the petitioner shall co-operate in the on going trial and appear in the trial Court on each and every date failing which the learned trial Court is at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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