

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70261 of 2024

Arising Out of PS. Case No.-508 Year-2023 Thana- EKMA District- Saran

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1. Tarun Kumar @ Tarun Kumar Singh S/o- Dharmendra Chaudhary Village- Sindhiya Makandpur, Police Station- Gopalpur, District- Bhagalpur
 2. Rikesh Kumar @ Rikesh Kumar Chaudhary Son of Nawal Kishore Singh Village- Sindhiya Makandpur, Police Station- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ravi Kumar Singh s/o- Harinam Singh, Village- Kohargarh, P.S- Ekma, Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Ekma P.S Case No. 508/2023 dated 26.11.2023 registered for the offence punishable u/ss 363, 366A and 376 read with Section 34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act

3. As per the prosecution case, the informant's daughter, aged 16 years, is a student of Intermediate 2nd Year Nandlal Singh College, Daudpur. Like every day, on 25.11.2023, she left home for college at 9 AM and has not returned home yet. The informant has alleged that for the last six months, my daughter's used to often receive calls from a



mobile number 7977838978. Today morning also my daughter left the house after talking to the same number. Currently all three mobiles are switched off. I believe that the owner of the above mobile number has kidnapped the informant's minor daughter by calling her under a conspiracy.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is love affair between the victim and the petitioner no. 1. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. Learned counsel has submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. has not stated the name of the petitioner no. 2 in the crime alleged. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 22.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that the specific allegation is against the petitioner no 1. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated the petitioner no. 1 committed rape on her forcibly and he used to abuse and assault her.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named i.e Rikesh Kumar @ Rikesh Kumar Chaudhary 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, Saran at Chapra in connection with Ekma P.S Case No. 508/2023.

7. The application stands allowed with regard to the petitioner no. 2 namely, Rikesh Kumar @ Rikesh Kumar Chaudhary.

8. So far as, the petitioner no. 1 is concerned, Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner no. 1, this Court is not inclined to grant bail to the petitioner no. 1 namely, Tarun Kumar @ Tarun Kumar Singh and the same is rejected in connection with Ekma P.S Case No. 508/2023, pending in the court of learned Exclusive Special Judge, POCSO Act, Saran at Chapra.

9. Accordingly, the application regarding the petitioner no.1 namely, Tarun Kumar @ Tarun Kumar Singh stands rejected.

(Chandra Prakash Singh, J)

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