

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67930 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- NAVINAGAR District- Aurangabad

Nitish Kumar Thakur @ Nitish Kumar, aged about 25 years, Male, S/o Birendra Thakur, R/o village- Majhiyawa, P.O.- Pirawta, PS- Nabinagar, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Jagdish Paswan, aged about 37 years, Male, S/o Late Ramraj Paswan, R/o vill - Machiyawa, P.S. - Nabinagar, Distt. - Aurangabad, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mrs. Rupa Kumari, Advocate
For the State	:	Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-02-2025 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in POCSO G.R. No. 48A of 2024, arising out of Nabinagar P.S. Case No. 119 of 2024 dated 14.04.2024 registered for the offences punishable under Sections 363, 366A, 504 of the I.P.C. and Sections 8 and 12 of the POCSO Act.

4. As per the prosecution case, on 08.04.2024 at about 7.00 A.M., when the informant alongwith his wife and two sons went to harvest khesari crop, his daughter aged about 15 years



and old mother were at home. When at about 12.00 O'clock in the noon, the informant returned to his home, he has not found his daughter at home. On search, on 10.04.2024, they heard that the co-accused Gautam Ram sent Rs. 1500/- to Nitish Kumar (petitioner) to give it to the daughter of the informant and accordingly, Nitish Kumar (petitioner) gave it to the daughter of the informant and Nitish on asking admitted it and abused the informant and pushed him away. The co-accused Gautam Ram and Nitish Kumar (petitioner) kidnapped the minor daughter of the informant by enticing her.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is only allegation against the petitioner that the co-accused Gautam Ram gave money to him to give it to the informant's daughter and accordingly he gave the same to the victim and except this there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that the petitioner has neither touched the body of the victim nor he abused her and the allegation of abusing the informant and his wife is false. The alleged occurrence took place on 08.04.2024 as to when the F.I.R. has been lodged on 14.04.2024 and the delay in lodging



of the F.I.R. has not been explained by the prosecution. It is submitted that the victim in paragraph no. 13 of the case diary has not alleged anything against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 31.07.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. 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 Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad, Bihar in connection with POCSO G.R. No. 48A of 2024, arising out of Nabinagar P.S. Case No. 119 of 2024.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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