

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74908 of 2024**

Arising Out of PS. Case No.-8 Year-2024 Thana- DIGHWARA District- Saran

Vivek Kumar Son of Late Bimlesh Kumar R/O-Village- Nawdiha, Police  
Station- Pahleja, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kusum Devi W/O Dhurendra Rai R/O village- Rampur Aami, P.S  
-Dighwara, Dist- Saran.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Bishwajeet Singh, Advocate |
| For the Opposite Party/s | : | Mr. Uday Chand Prasad, APP     |
| For the Informant        | : | Mr. K.K. Singh, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

3      28-02-2025                      Heard learned counsel for the petitioner, learned  
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366(A), 363 and 376 of the Indian Penal Code & Sections 4 and 7 of POCSO Act.

3. The case of the prosecution is that one Vivek Kumar has kidnapped the minor daughter of the informant. It is alleged that two girls were kidnappned one is named Sapna Kumari who alighted on Buxar Railway Station and she has stated that Riya Kumari is going from train to Bangalore.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The only allegation against this petitioner is that he carried the victim to the railway station. During course of investigation, victim has given her statement under section 164 of the Cr.P.C. wherein she stated that she was on talking terms with co-accused Abhishek Kumar both were liking each other and she had gone to Bangalore with Abhishek. She has further stated that she has established physical relationship with one Abhishek. From perusal of the diary it is clear that the victim is minor though from perusal of the medical report, it transpires that her age is 16 to 18. The main thrust of allegation is against co-accused Abhishek Kumar. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.08.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dighwara P.S. Case No. 08 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Judge  
POCSO, Saran at Chapra.

**(Ashok Kumar Pandey, J)**

shubham/-

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