

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.271 of 2025

Arising Out of PS. Case No.-89 Year-2024 Thana- KOTWA District- East Champaran

Prem Kumar Das @ Prem Kumar Son of Jainarayan Das Resident of Village-
Adiya, P.S.- Kotwa, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Das Son of Abhindar Das Resident of Village- Adiya, P.S.- Kotwa,
Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 363, 366A of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant has alleged that his co-villager, namely Ram Pukar Das (co-accused), has kidnapped the minor daughter for the purpose of marriage. It has further been alleged that the said Ram Pukar Das and his brother, including the petitioner have helped the said daughter in fleeing away.

4. Learned counsel for the petitioner submits that the



petitioner has falsey been implicated in this case and has no concern with the said alleged kidnapping of the daughter of the informant. It is next submitted that the petitioner has only been implicated in this case as he happens to be own brother of the named accused Ram Pukar Das. From bare perusal of the FIR, it would be evident that there is no specific allegation against the petitioner, however, it has been stated that he was instrumental in facilitating the kidnapping of the daughter of the informant. He also submits that during the course of investigation, it has also been found that the girl was a major on the date of the occurrence. Learned counsel has pointed out that the occurrence took place on 30.03.2024, while the case was registered after a delay of four days i.e., on 03.04.2024 and even during the course of investigation, nothing has elicited against the petitioner. It has lastly been submitted that the petitioner has clean antecedent and he is languishing in judicial custody since 28.10.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and has alleged that the petitioner along with his brother Ram Pukar Das was instrumental in kidnapping the daughter of the informant, who is still traceless and hence, the petitioner should not be released on 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 Kotwa P.S. Case No. 89 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 6th Additional Sessions Judge-cum-Special Judge POCSO, Motihari, East Champaran, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(vi) The petitioner should refrain interaction with the victim girl or the prosecution side.

7. Accordingly, the present bail application stands allowed.

(Sourendra Pandey, J)

Sudhanshu/-

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