

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19705 of 2025

Arising Out of PS. Case No.-42 Year-2024 Thana- KOTWA District- East Champaran

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Suman Kumar S/o- Aadhar Paswan Village- Gaira PS- Kotwa Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chunchun Devi W/o- Rajdeo Paswan Village- Barharwa Kala Ramji Tola Ps- Kotwa Dist- East Champaran

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 48580 of 2025

Arising Out of PS. Case No.-42 Year-2024 Thana- KOTWA District- East Champaran

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Vikash Sah @ Vikash Kumar S/O Khedan Sah @ Jagranath Sah R/O Village- Heman Chhapra, P.S- Kotwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chunchun Devi D/O Rajeshwar Paswan R/O Village- Barharwa Ramjee Tola, P.S- Kotwa, Distt.- East Champaran, Motihari.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 19705 of 2025)

For the Petitioner/s : Mr. Hemant Ray, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

(In CRIMINAL MISCELLANEOUS No. 48580 of 2025)

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

15 01-04-2026

1. Heard learned counsel for the parties.
2. The petitioners have preferred this application for grant of regular bail in connection with Kotwa P.S. Case no. 42 of 2024 registered under sections 363, 366(A) and 34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act.
3. As per the prosecution case, the informant states



that her 12 years old daughter was kidnapped by four named accused persons including the two petitioners herein who had come on two motorcycles. The informant further that she apprehends that the kidnapping has taken place with some bad motive.

4. Learned counsel for the petitioner Suman Kumar submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. As per the information received, the daughter of the informant has got married elsewhere but the police personnel are not taking adequate steps for her recovery. It was on these grounds that the Superintendent of Police on earlier occasion had been directed to appear in the Court and the petitioner had been enlarged on provisional bail vide order dated 26.1.2026. The petitioner is in custody since 6.8.2024 and undertakes to cooperate in the trial. The petitioner has no criminal antecedent.

5. Learned counsel for the petitioner Vikash Sah submits that the petitioner is innocent and has been falsely implicated in the case. The allegation against him at best is of having assisted. This is absolutely false and categorically denied. The petitioner is in custody since 23.3.2025 and has no criminal antecedent. He undertakes to cooperate in the



investigation/ trial.

6. The application for bail is opposed by learned A.P.P. for the State who submits that pursuant to the direction of this Court, a counter affidavit has been filed in the case on 19.3.2026 wherein steps taken by the police authorities including the constitution of special investigation team etc. have all been stated in detail. It is further stated that both the petitioners are named in the FIR and have actively participated in the kidnapping/disappearance of the minor daughter of the informant.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R. of being among the four accused persons on two motorcycles who kidnapped the 12 year old minor daughter of the informant who is still missing and has not been recovered, the Court is not inclined to enlarge the petitioner on bail and the application for bail of both the petitioners are rejected.

8. Both the petitioners who were earlier enlarged on provisional bail are directed to surrender in the learned Court below within a period of 3 weeks.

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(Partha Sarthy, J)

