

In the Court of Addl. Sessions Judge-II, Begusarai
Presiding Judge: Brajesh Kumar Singh
A.B.A No-1155/2026 & B.A.No.803/2026
(Arising out of Ballia P.S Case No-227/2026)

A.B.A. No. 1155/2026

IN THE MATTER OF:-

- 1) **Chunchun Poddar @ Chunchun Kumar**, aged about-29 Yrs, S/O-Ram Prit Poddar,
 - 2) **Manish Poddar @ Manish Kumar**, aged about-27 Yrs, S/o Dayanand Poddar,
 - 3) **Lav Kush Poddar @ Lav Kush Kumar**, aged about 19 Yrs, S/o Ashok Poddar, and
 - 4) **Ram Prit Poddar**, aged about 53 Yrs, S/o Late Jagdish Poddar,
- (All R/O-Vill-Sahpur Diyara, P.S. Ballia, District-Begusarai)

.....**Petitioners/Accused persons**

Vs.

State of Bihar

.....Prosecution

Appearances:-

Sri Chandramauli Prasad Singh, Ld. Counsel for the Petitioner-Accused
Sri Ram Prakash Yadav, Ld. Addl. P.P for the State
Sri Sudarshan Kumar, Ld. counsel for the informant.

&

B.A. No. 803/2026

IN THE MATTER OF:-

Raushan Poddar @ Chunchun Kumar, S/O-Sanjay Lal Poddar, R/O-Vill-Husaina Diyara, P.S. Ballia, District-Begusarai)

.....**Petitioner/Accused**

Vs.

State of Bihar

.....Prosecution

Appearances:-

Sri Chandramohan Kumar, Ld. Counsel for the Petitioner-Accused
Sri Ram Prakash Yadav, Ld. Addl. P.P for the State
Sri Sudarshan Kumar, Ld. counsel for the informant.

Order

27.06.2026

1. The A.B.A No. 1155/2026 has been preferred by the accused-Petitioners, namely- (1). Chunchun Poddar @ Chunchun Kumar, (2) Manish Poddar @ Manish Kumar, (3). Lav Kush Poddar @ Lav Kush Kumar, (4). Ram Prit Poddar @ Ram Prit Kumar inasmuch as they are apprehending their arrests in connection with Ballia P.S. Case No. 227/2026. The B.A.No.803/2026 has been preferred by the accused-Raushan Poddar, S/o- Sanjay Lal Poddar inasmuch as he has been in custody since 05.05.2026.

PROSECUTION STORY

2. The prosecution story is based on the written information lodged by Nandlal Mahto (hereinafter referred to as '**Informant**') alleging on 20.04.2025, his minor daughter, namely XXX (hereinafter referred to as '**Victim**') went to attend her school, but did not return home till evening, then he started searching her, then the cousin of the Informant told him that the accused persons, namely, (1) Raushan Poddar, (2)

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Chunchun Poddar, (3) Manish Poddar, (4) Lav Kush Poddar, and (5) Ram Prit Poddar were taking the informant's daughter towards Ballia market on their motorcycle. As per informant, when the cousin of the informant tried to stop the accused persons, who were fleeing with informant's daughter, then the accused Manish Poddar, and Lav Kush Poddar pointed pistol on them. As per Informant, when he got this information, then he went to the house of Raushan Poddar, who was the main culprit, who used to talk to the daughter of the informant through the mobile, then he did not find either Ramprit Poddar or Raushan Poddar at their home.

3. I have heard the Ld. counsels for the parties. Ld. counsel for the accused- petitioners have argued that the accused persons are falsely implicated. As per the Ld. counsels for the accused persons, the victim and the accused- Raushan were in love relations, and because of their love, they fled from their home, now married with each other, hence no offence of kidnapping as alleged have been committed. Ld. counsel for the accused have pleaded that the othe accused persons are not at all concern about the affairs of the victim and the main accused- Raushan, they have been implicated because of their acquaintances. Ld. Addl. P.P and the Ld. counsel for the informant have opposed the prayer of bail on the ground that the victim is a minor girl.

REASONS FOR GRANTING BAIL

4. Having heard the Ld. counsels, and having perused the records, it appears to me that the victim has been recovered, and now has been residing with her parents. The victim had got her statements recorded u/s 180 of B.N.S.S., before the police and u/s 183 of the B.N.S.S. before the Judicial Magistrate. These two statements are the most crucial statements at this juncture, when the investigation is not complete. From the deep perusal of these two statements duly recorded, it is clear that both of her statements are contradictory to each other. In her statements before the police u/s 180 of B.N.S.S., the victim had admitted that she got love affairs with the accused-Raushan Poddar, and has solemnized the marriage with the accused-Raushan Poddar, and fled away in Sonapat, Haryana, and has resided with each other as husband and wife. In her statements before the police, she has absolved the accused- Raushan Poddar. Moreover, the victim has not taken the names of the other four (4) accused persons in her statements before the police u/s 180 of B.N.S.S. Nevertheless, in her statements u/s 183 of B.N.S.S. before the Judicial Magistrate, she has implicated the four (4) accused persons, namely, Raushan Kumar, Lav Kush Kumar, Chunchun Kumar, and Manish Kumar making the allegations that all of the four (4) have abducted her by force, and took her to Sonapat, Haryana, and tried to commit the rape upon her. Though the allegations levelled against the four accused persons by the victim are very serious in her statements u/s 183 of B.N.S.S. before the Judicial Magistrate, yet the statements made by victim u/s 183 of B.N.S.S. before the Judicial Magistrate are not the substantive piece of evidence. Also, her statements before the police u/s 180 of B.N.S.S. are contradictory to her statements u/s 183 of B.N.S.S. At this juncture, the victim appears to be vicillating, and hence her versions appear not to be credible.

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It appears that the victim, when went to the custody of her parents, has changed her mind, and also her statements. From the perusal of entire records, the possibility of love angle between the accused-Raushan Kumar and the victim cannot be ruled out. From the record, it appears that the accused-Ramprit Poddar is his grand father of the main accused, and the other three (3) accused persons, namely, Chunchun Poddar @ Chunchun Kumar, Manish Poddar @ Manish Kumar, and Lav Kush Poddar @ Lav Kush Kumar are Raushan's friends/acquittances. It appears to me that the accused-Ramprit Poddar, being grand father of the main accused, and other three (3) accused persons are not concerned with the alleged love affairs between the victim and the accused-Raushan. Even the father of the victim, in his written information, has submitted that the victim and Raushan used to talk to each other on mobile. Even against the Raushan Poddar, the victim herself has admitted that she was having love affairs with, and had solemnized the marriage. The main accused-Raushan Poddar has been judicial custody since 05.05.2026. In other word, accused-Raushan Poddar has already spent over 50 (fifty) days in judicial custody so far, the substantial part of the investigation could have been expected to be completed. The submissions are being made on behalf of the accused persons that they shall remain available for investigation and for trial. The petitioners have got zero (0) criminal antecedents. In this situation, I am inclined to grant the relief of bail to these five (5) petitioners. Let the petitioners, namely, (1). Chunchun Poddar @ Chunchun Kumar, (2) Manish Poddar @ Manish Kumar, (3). Lav Kush Poddar @ Lav Kush Kumar, (4). Ram Prit Poddar @ Ram Prit Kumar be released on bail in event of their surrender or arrest within the period of 20 (twenty) days from today. Let the accused-petitioner-Raushan Poddar, S/O-Sanjay Lal Poddar be released immediately. Let the bail bonds of Rs. 10,000/- with 2 (two) sureties of like amount be furnished on behalf of all the five (5) accused immediately before the concerned court. Additionally, let the written undertaking at the time of furnishing bail bonds be also furnished on behalf of all the five (5) accused petitioners that they would remain available for investigation and trial.

5. Consequently, A.B.A no.- 1155/2026 and B.A no.- 803/2026 are hereby ALLOWED.
6. O/c is directed to send the copy of this order to the concerned court immediately.

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Brajesh Kumar Singh
Addl. Sessions Judge-II, Begusarai
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