

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42844 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Jagdishpur District- West Champaran

Rahul Kumar, aged about 19 years (M), Son of Pramod Ram, R/O Village-
Belwa Pakariya, Police station- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sankesi Devi, aged about 50 years (F), Wife of Nageshwar Ram, R/O
Village- Belwa Pakariya, Police station- Jagdishpur, District- West
Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-09-2024 Heard Mr. Sachida Nand Rai, learned counsel

appearing on behalf of the petitioner and Mr. Umesh Lal Verma,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Jagdishpur P.S. Case No. 19 of 2024 registered for the
offence(s) punishable under Sections 363, 366(A), 341, 323,
504, 506/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

3. As per the allegation made in the FIR, the accused
persons including the petitioner allegedly kidnapped the minor
daughter of the informant.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent, aged about 19 years and he was in love relationship with the victim and has not forcibly kidnapped her, rather the victim girl willingly went with the petitioner. Learned counsel further submitted that the age of the petitioner and victim are about 19 years and 17 ½ years respectively and they are undergoing with psychological, physiological as well as biological changes and attraction for opposite sex is natural. Even considering that they left for Nepal together, the same does not amount to attract the provision of the POCSO Act, as the victim has denied any physical assault of any kind against the petitioner. Petitioner has clean antecedent.

5. Mr. Pankaj Kumar, learned counsel has tendered his appearance on behalf of the informant and submitted that the petitioner has forcibly kidnapped the minor daughter of the informant and as such petitioner don't deserve to be released on bail.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the victim is about 17 ½ years old and in her statement recorded under Section 164 Cr.P.C., she has stated that she willingly went to Nepal along



with the petitioner, as she was having love affair with him. I find that the victim is adolescent and the petitioner has just emerged an adult and are/were undergoing psychological, physiological as well as biological changes and infatuation and attraction for the opposite sex is natural. I am of the opinion that petitioner, who is 19 years of age, has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, District, West Champaran in connection with Jagdishpur P.S. Case No. 19 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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