

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50888 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- NARPATGANJ District- Araria

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Balram Yadav @ Balram Kumar, Gender- Male, aged about 22 years, son of
Ajit Yadav, resident of village- Fatehpur, PS- Narpatganj, Distt- Araria
... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar Jha, male, aged about 45 years, son of late Harish Chandra
Jha, resident Of Village- Fatehpur, Ward No. 8, P.S.- Narpatganj, Distt. -
Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Narpatganj PS Case No.138 of 2024 dated 07.03.2024,
instituted under Sections 363, 365/34 of the Indian Penal Code
in which charge-sheet has been submitted under Sections 366-A,
376 of the Indian Penal Code and Section 4 of the Prevention of
Children from Sexual Offences Act.

3. The allegation against the petitioner and others is
that on the alleged date of occurrence while the victim was
washing her hands after coming from the toilet, the accused
persons including the petitioner kidnapped the victim at the gun



point.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that there was love affairs between the petitioner and the victim. They got married in a temple in Kishanganj and was living happy conjugal life as husband and wife in Nepal. Further submission is that statement of the victim has been recorded under Section 164 Cr.P.C. in which the victim has clearly stated that on 03.03.2024 she went out of the house with the petitioner without disclosing the same to any one. She also stated that she was in love affairs with the petitioner since last two years. The age of the victim has been assessed as 17 years at the time recording statement under Section 164 Cr.P.C. It is further submitted that the victim has clearly stated in her statement that after attaining majority, she will marry the petitioner. The petitioner is in custody since 18.03.2024 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned ADJ VI cum Special
Judge, POCSO, Araria,, in Narpatganj PS Case No.138 of 2024.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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