

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68136 of 2024**

Arising Out of PS. Case No.-67 Year-2024 Thana- FESHAR District- Aurangabad

Rakesh Kumar S/o- Mithlesh Singh Resident of Village- Dewaria Kala, P.S-
Fesar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present Criminal Miscellaneous Application has been filed under sections 483 and 484 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS, 2023") praying regular bail to the petitioner in connection with Fesar P.S. Case No. 67 of 2024, lodged on 07.07.2024 under Section 96 read with section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the FIR has been lodged against five named accused persons including the present petitioner with an allegation of procurement of the child of the



informant in connivance with other accused persons.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The victim has been recovered and her statement was recorded before the Magistrate under Section 183 of the BNSS, 2023 wherein she has disclosed that she went in the company of the petitioner with her own sweet will due to the reason that the guardian of the victim was putting pressured upon her for marry. This statement under Section 183 of the BNSS, 2023 has been acknowledged by the Special Exclusive Judge, POCSO in the rejection order. He further submits that the victim has not disclosed anything against the petitioner in her statement either under Section 180 of the BNSS, 2023 or under Section 183 of the BNSS, 2023. The antecedent of the petitioner is clean and he is in custody since 25.07.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that nothing adverse has been alleged against the petitioner by the victim in her statement recorded either under Section 181 of the BNSS, 2023 or under Section 183 of the BNSS, 2023.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named



be released on bail, on furnishing bail bond of Rs.30,000/-
(Rupees Thirty thousand) as mentioned in Section 2(1)(d) of the
BNSS, 2023 to the satisfaction of ACJM IV, Aurangabad, in
connection with Fesar P.S. Case No. 67/2024, subject to the
conditions as laid down U/s 480(3) of the BNSS.

(Dr. Anshuman, J)

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