

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.850 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- Ghogha District- Bhagalpur

Mithun Kumar S/O- Shambhu Mahaldar Village- Udayrampur Ps- Ghogha
Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amin Mahaldar S/o- Late Adhik Mahaldar Village- Udayrampur Ps- Ghogha
Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Kumar Ranjit Ranjan, APP
For the Informant	:	Ms. Swati Parmar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 07-04-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Ghogha
P.S. Case No. 08 of 2024 instituted for the offences under
Sections 366(A)/34 of the Indian Penal Code and Section 08 of
the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping and solemnizing marriage with the
minor Informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



merely on the basis of suspicion. He further submits that the victim girl in her statement recorded under Sections 161 and 164 Cr.P.C. has not made any allegation of any overt act against the petitioner and, thus, there is no involvement of the petitioner in the alleged occurrence. From perusal of the medical report, it appears that there is no sign of violence in and around her private parties and her age has been assessed between 17-19 years. The doctor has also not found any clinical evidence of recent sexual intercourse. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.12.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor and there is direct allegation against the petitioner of kidnapping the victim. The Informant in her re-statement and several witnesses have also supported the prosecution case. As per admit card of the victim, her date of birth is 12.11.2008 and, thus, she was minor on the date of occurrence. The doctor has assessed her age in between 17-19 years.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account that the victim girl in the 183 B.N.S.S. statement has not made any allegation against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghogha P.S. Case No. 08 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

