

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1566 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- ARERAJ District- East Champaran

Anand Kumar S/o- Chaturi Mahto Resident of village- Bhaja Tola PS-
Paharpur District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sukhdev Sah S/o- Late More Sah Resident of Village- Janerwa Ward No-7,
PS- Areraj District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Areraj P.S. Case no.118 of 2024 registered under sections 137(2), 96, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita read with sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant states that his 16 year old minor granddaughter was kidnapped. The informant is convinced that the petitioner and others have a hand in the kidnapping.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The



granddaughter of the informant returned and her statement was recorded under section 183 B.N.S.S. wherein she has categorically stated that she went out of her house with the petitioner, married him and after marriage were living in Rajasthan. She was not kidnapped. Learned counsel further in reference to the medical report submits that the age of the alleged victim has been estimated to be 18-19 years and thus she is a major. The petitioner is in custody since 8.10.2024, has no criminal antecedent and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation of kidnapping against the petitioner who has been named in the FIR. Further, the learned Court below in reference to the date of birth of the victim girl mentioned in the educational record has come to a correct finding that the girl was a minor on the date of occurrence.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation specially the contents of the statement of the victim under section 183



B.N.S.S. together with the age of the victim having been estimated by the Medical Board between 18-19 years and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Areraj P.S. Case no.118 of 2024 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran.

(Partha Sarthy, J)

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