

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1391 of 2025

Arising Out of PS. Case No.-374 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

=====

Amit Kumar Yadav @ Amit Kumar S/o Bijen Yadav R/o Village- Mahkhar,
P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar S/o Late Bal Govind Yadav R/o vill - Dwarika Simri, ward no.
10, P.S. - Bakhtiyarpur, Distt.- Saharsa

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Simri Bakhtiyarpur P.S. Case No. 374 of 2024, registered for the alleged offences under Sections 137(2), 87, 3(5) of B.N.S. and Sections 8, 12 of the POCSO Act.

3. As per prosecution case, On fateful day in the midnight, the informant found his minor daughter missing from the house. Subsequently, the informant came to know about the petitioner and co-accused persons who took away his daughter forcibly at gun point. The other co-accused persons abused and



assaulted the informant and his wife when they went to inquire about the whereabouts of their daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The victim girl has been recovered and her statement under Section 180 and 183 of B.N.S.S. has been recorded wherein she has clearly stated that no one took her away and she herself left her house. Learned counsel further submits that at the repeated request of the victim girl the petitioner took her with him. Learned counsel further submits that the victim girl admitted that she was having affair with the petitioner and both of them solemnized marriage. Learned counsel further submits that the victim girl has denied having any sexual relationship with the petitioner and the victim girl even refused to undergo medical examination. Learned counsel further submits that the victim girl is aged about 16 years as it appears from her age assessed by the learned Judicial Magistrate. The petitioner is in custody since 08.10.2024 and charge sheet has been submitted. The petitioner is aged about 21 years and has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the consent of



the victim girl is immaterial as she was minor at the time of occurrence.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and her age at which a girl develops sufficient maturity and further considering the age of the petitioner, his clean antecedent, period of custody and submission of charge sheet, the petitioner above named is directed to 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 learned Special Judge, POCSO, Saharsa/concerned Court in connection with Simri Bakhtiyarpur P.S. Case No. 374 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

DKS/-

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

