

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2009 of 2025**

Arising Out of PS. Case No.-325 Year-2024 Thana- GOVINDGANJ District- East  
Champanan

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Raju Kumar S/o Mohan Paswan Resident of village- Gadhwa, Khajuria, P.s-  
Kotwa, District- East Champanan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bigu Ram s/o Late Kailash Ram R/o vill - Mananpur, ward no. 02, P.S.-  
Govindganj, Distt.- East Champanan

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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**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 Govindganj P.S. Case No. 325 of 2024  
registered for the alleged offences under Sections 137(2), 96,  
3(5) of BNS and Section 8 of the POCSO Act.

3. As per prosecution case, while the minor daughter  
of the informant went to the market for purchasing grocery item,  
the petitioner kidnapped her with the help of co-accused  
persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl under Section 183 of BNSS was recorded and in her statement she has stated that she wanted to marry the petitioner as she had been knowing him for three years and as her family members were not ready for the marriage she left her house and went with the petitioner and solemnized marriage in Banaras. The victim girl also stated that she voluntarily left her house and solemnized marriage with the petitioner. Learned counsel further submits that the petitioner is aged just about 20 years and there is no allegation of sexual assault against the petitioner and medical report also does not support any recent sign of sexual assault on the victim girl. Learned counsel further submits that the petitioner is having clean antecedent. The petitioner is in custody since 30.09.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the learned Judicial Magistrate assessed the age of the victim girl to be 16 years and she also stated her age to be 16 years and as the victim girl was minor and her consent is immaterial.

6. Despite service of notice upon the informant/ opposite party no. 2, no one has appeared on behalf of the



informant/opposite party no. 2.

7. 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 also considering her age at which a girl develops sufficient maturity, clean antecedent of the petitioner, 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 6<sup>th</sup> Additional Sessions Judge -cum- Special Judge, Motihari, East Champaran/concerned Court in connection with Govindganj P.S. Case No. 325 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/-

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