

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4381 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- Amdanda District- Bhagalpur

Bambam Kumar Son of Bajo Harijan @ Baiju Harijan R/Vill -Madarganj PS
-Amdanda District -Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O- Sobhan Das, R/V- Madarganj, PS- Amdanda, Dist.-
Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh, Adv.
For the Opposite Party/s	:	Ms.Anita Kumari, APP
For the Informant	:	Mr. Abhishek Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-07-2025 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
Amdanda P.S. Case No. 50 of 2024 instituted for the offences
under Sections 366A, 34 of the Indian Penal Code and Section
04 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of taking away the minor daughter of the Informant
after inducing her on the false pretext of marriage.

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. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that there is delay of one day in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The victim girl, in her statement recorded under Section 161 of the Cr.P.C. has not made any specific allegation of any overt act against the petitioner rather has stated that there was a love affair between them and she went to Patna on her own volition and solemnized marriage with the petitioner. In the statement recorded under Section 164 of the Cr.P.C., the victim girl has also not made any allegation against the petitioner. The medical report also does not support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim is minor. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 363, 366, 366A, 376 of



the I.P.C. and Section 4/6 of the POCSO Act. In this case, cognizance has also been taken against the petitioner. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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