

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6672 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- NAGAR District- Vaishali

Rahul Kumar S/O Pradeep Rai Resident of Village- Simra, P.S.- Sonpur,
District- Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Girja Rai R/O Vill.- Ramchaura Hela Bazar Maharani Chowk, P.S- Hajipur town, Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. From perusal of the Office Notes it appears that vide order dated 13.02.2025 notice was issued upon Opposite Party No.02 under both process and notice has been received by O.P. No.02.

3. Petitioner is in custody since 13.04.2024 in a case registered for an offence punishable under Section 363, 366(A) of the IPC and Section 12 of POCSO Act in connection with Hajipur Town P.S. Case No.146 of 2024.

4. As per the prosecution case, on 02.03.2024 informant, namely, Babita Kumari gave her statement before the police that her daughter, namely, Jyoti Kumari was coming from *Bathan* after giving the food to her cattle then the petitioner kidnapped her after which



she was concerned about her daughter and she lodged an F.I.R.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that victim is a major girl and her age is about 19 years as stated in para-39 of the case diary(statement under Section 161 Cr.P.C.) He next submits that after recovery of the victim, she was examined under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C in which she had stated that her mother tortured her so she went with her own sweet will and fled away to another state and when she recalled memories of her family, then she returned back with the present petitioner. He further submits that there is no allegation of sexual assault as well as no abuse of criminal force against the petitioner. Petitioner is in custody since 13.04.2024. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail petition.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, submission of the learned counsel for the petitioner, and from perusal of the para-39(statement of the victim recorded under Section 161 Cr.P.C) of that case diary, statement recorded under Section 164 Cr.P.C as well as report of the medical board, it is evident that age of the victim is from 16-17 years and there is not any allegation of sexual assault against the petitioner or abuse of criminal



force or any other force, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No.146 of 2024.

Harshita/-

(Ramesh Chand Malviya, J)

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