

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5265 of 2025

Arising Out of PS. Case No.-203 Year-2024 Thana- SAHPUR District- Bhojpur

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Arun Kumar Son of Rakesh Singh Resident of Village - Jatpura, P.S. -
Mainather, District - Muradabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Son of Late Hudash Ojha Resident of Village - Sahjouli, P.S. -
Shahpur, District - Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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

ORAL ORDER

4 29-04-2025 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice upon the

opposite party no.2, no one appears on his behalf. Perused the

case diary.

2. The petitioner seeks bail in connection with

Shahpur P.S. Case No. 203 of 2024 instituted for the offences

under Section 366A of the Indian Penal Code.

3. As per prosecution case, the accusation against the

petitioner is of kidnapping the Informant's daughter for the

purpose 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 is not named in the F.I.R. and his name has surfaced in Para-21 of the case diary in which it has been found that the petitioner is the owner of the alleged mobile nos. being 8650437538 and 47818977134. He further submits that the victim girl in her statement recorded under Section 161 of the Cr.P.C. has admitted that there was a love affair between them and upon opposed by her parents, she herself left her house and went with the petitioner to Muradabad. In her statement 164 Cr.P.C., she has also stated that she herself had gone to Muradabad and solemnized marriage with the petitioner and were living as wife and husband. Thus, the victim girl has not made any specific allegation of any overt act against the petitioner. There is no medical report as the victim has refused for the medical examination. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim is minor and her consent has no meaning in the eye of law. There



is specific allegation against the petitioner of kidnapping the victim minor girl as also solemnizing marriage with her and, hence, he does not deserve bail. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 366A/376 of the I.P.C. and Sections 4/8/12 of the POCSO.

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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