

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4407 of 2025

Arising Out of PS. Case No.-66 Year-2020 Thana- MAJHAULIA District- West Champaran

Vishwajeet Kumar @ Vishvajeet Kumar S/o- Late Sipahi Lal Singh Resident
of Village- Bathuaa Bazar, P.S.- Phulwaria, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxman Sah S/o- Late Nathuni Sah Village- Sarishwa Bazar W.No-7, Ps-
Majhauilya Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

4 23-04-2025 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
Majhauilya P.S. Case No. 66 of 2020 instituted for the offences
under Sections 363, 365 of the Indian Penal Code and Section 4
and 6 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping the minor daughter of the Informant.

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.



He further submits that there is delay of fifteen days in submitting the written report and, that too, without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner is not named in the F.I.R. and the name of the petitioner has transpired in this case during investigating in the statement of the victim girl recorded under Section 161 of the Cr.P.C. The victim girl in her statement recorded under Section 161 Cr.P.C. has stated that she was in love with the petitioner since 2016 and she left the house on her own will and also got married with the petitioner and has also two children out of their wedlock. She has also not made any allegation of kidnapping against the petitioner. There is no medical report of the victim girl as she refused for the medical examination. The victim girl is staying at Sasural and is happy with her married life. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.12.2024 without any rhyme 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 is serious in nature. The victim girl was minor at the time of occurrence. There is a specific allegation of kidnapping against the



petitioner. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 366A/376 of the I.P.C. and Section 4/6 of the POCSO Act.

6. Having heard learned counsel for the parties and considering the entire facts and circumstances of the case as also taking into account 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)

rishi/-

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

