

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6476 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- Kalyan Bigha District- Nalanda

Shankar Kumar @ Shiv Shankar Kumar S/o Arvind Yadav R/o Village-
Chotkiaamar, P.S.- Kalyanbigha, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Not given R/o Village- Chotki Amar, P.S.- Kalyanvigha, District-
Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritwik Thakur, Advocate
For the Opposite Party/s : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kalyan Bigha P.S. Case No.56 of 2024, registered for the offences under Sections 96 and 64 of the B.N.S. and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the minor informant was enticed away by the petitioner and he established physical relationship with her against her wishes.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has



ever taken place. Though the informant was taken away on 02.09.2024, her family members did not inform any authorities and did not lodge any FIR. From the written report submitted by the victim girl, her story is not believable as she has not disclosed that she had been knowing the petitioner and when she was taken from Patna to Tamil Nadu, she did not raise any alarm and did not seek any help. It is very surprising that neither the grandmother of the victim nor her mother bother to lodge any report though they immediately came to know about the missing of the informant. Further the informant returned on 11.09.2024, still the case was not lodged and it was lodged only on 15.09.2024 i.e., after a delay of four days and there is no explanation for this undue delay. During medical investigation, there was no evidence of recent sexual intercourse and no injury was found on private parts of the victim/informant. Learned counsel further submits that the statement of the victim was recorded under Section 183 of the B.N.S.S. and she completely denied the prosecution case wherein she stated that she was in love with the petitioner and left with him on her own. She also stated that her family members were arranging her marriage against her will and for this reason she left with the petitioner and went to Tamil Nadu where they stayed for eight days and



also solemnized marriage. The age of the victim was assessed to be 17 years by the learned Judicial Magistrate. Learned counsel further submits that the petitioner is aged about 20 years and he has got no criminal antecedent. The petitioner is in custody since 15.09.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner in the FIR and the statement of victim recorded under Section 183 of the B.N.S.S. would not absolve the petitioner from his wrongful act as the victim is a minor. Learned counsel further submits that the family members of the informant was duly informed but no one has appeared in this case.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the age of the victim girl at which a girl develops sufficient maturity and further considering her statement recorded under Section 183 of the B.N.S.S. and also considering doubtful nature of allegation, period of custody and submission of charge sheet and his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each



to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge POCSO, Biharsharif, Nalanda/concerned court, in connection with Kalyan Bigha P.S. Case No.56 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial court.
- (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)

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