

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6246 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- BIRAUL District- Darbhanga

Santosh Kumar Yadav S/O Indra Narayan Yadav R/O Villag- Harpur Kala,
P.S- Biraul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uma Shankar Yadav S/O Late Tanuk Lal Yadav R/O Village- Harpur Kala,
P.S- Biraul, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the State	:	Mr. Anant Kumar No.1, APP
For the Informant	:	Mr. Shambhu Nath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Biraul P.S. Case No. 202 of 2024 registered for the alleged offences under Sections 363, 366A of the Indian Penal Code.

03. As per prosecution case, the minor daughter of the informant went to attend a marriage ceremony and did not return to her home. Subsequently, informant came to know that the petitioner kidnapped his daughter and fled away with her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The daughter of the informant voluntarily left her home and joined the company



of the petitioner. The petitioner did not entice her away and it is a case of elopement. The statement of the victim girl was recorded under Section 164 Cr.P.C. wherein she stated that her parents have entered into her marriage negotiation and she left her house on 30.04.2024 and went to Darbhanga from where the petitioner joined her and both of them went to Delhi and solemnized their marriage. On coming to know about the case lodged by her father, she returned. Learned counsel further submits that the victim girl stated her age to be 18 years and she was not a minor. The FIR has been lodged after delay of 20 days without any satisfactory application. There is no ingredient of Sections 366A/376(2) of IPC in the present case and the victim girl refused to undergo in the medical examination. The petitioner is in custody since 25.09.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the date of birth of the victim is 4th of December, 2006 and she was minor at the time of occurrence and her consent was immaterial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



voluntary nature of the act of the victim girl who was on the verge of majority, the age at which a girl develops sufficient maturity, and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, Darbhanga/court concerned in connection with Biraul P.S. Case No. 202 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the 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.
- (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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