

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4989 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- Babarganj District- Bhagalpur

Raju Sah @ Raja Kumar @ Raja Sah, Son of Pappu Sah @ Pappu Prasad Sah, resident of Village-Poshan Sah Lane, Mohaddinagar, Kutubganj, Miranhat, P.S.- Babarganj, Dist- Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar
2. Gudiya Devi, Wife of Rajesh Sharma, resident of Village-Poshan Sah Lane, Mohaddinagar, Kutubganj, Miranhat, P.S.- Babarganj, Dist- Bhagalpur, Bihar-812005.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 07-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2.The accused/petitioner seeks bail in connection with Babarganj P.S. Case No.104 of 2024 registered for the offences punishable under Sections 137(2), 96, 351(2), 352(3) read with Section 3(4) of Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Section 8 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').

3.The accused/petitioner is named in the



FIR and is in custody since 01.10.2024.

4. Allegation against the petitioner is to kidnap the minor daughter of the informant for the purpose of illicit intercourse or seduced/forced her to enter into marriage with another person.

5. It is submitted by learned counsel appearing for petitioner that the victim was in love with petitioner and for any social reasons when the love affairs was not approved by the parents, thereafter, the present false implication was raised. It is submitted that during investigation the statement of victim was recorded under Section 180 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), where she categorically stated that she solemnized her marriage with petitioner in Bhutnath Mandir on 28.09.2024 and thereafter started to live together. It is pointed out that subsequently, after recovery, under tutoring of parents, the victim while recording her statement under Section 183 of the BNNS stated that she was kidnapped by this petitioner and penetrative sexual assault/rape was committed upon her. It is



pointed out that in view of aforesaid contradictory statement of victim, the entire case of prosecution appears doubtful. It is pointed out that finally with interference of common friends, the dispute between the parties settled and, therefore, during trial, the victim through her testimony completely denied the occurrence *qua* kidnapping and sexual assault. It is submitted that the petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of contradictory statement of victim as discussed aforesaid, coupled with the fact that petitioner remains in custody since 01.10.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO), Bhagalpur in connection with Babarganj P.S. Case No.104 of 2024, subject to the conditions



as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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