

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6842 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- MAHUA District- Vaishali

Surya Prakash S/o Devendra Ray R/o Village- Sharma, P.S.- Mahua, District-
Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshman Sah S/o Baleshwar Sah R/o Village- Jeerwara, P.S.- Mahua,
District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. Notice was already issued to the opposite party
no. 2 *vide* order dated 15.02.202, but no one is present on
behalf of opposite party no. 2.

3. The petitioner is in custody in connection with
POCSO G.R. Case No. 96 of 2024 arising out of Mahua P.S
Case No. 165 of 2024 registered for the offences punishable
under Sections 363, 366(A) of the I.P.C and Section 4,6 of
POCSO Act.

4. As per prosecution case, it is alleged that



petitioner along with co-accused have kidnapped the 17 years 6 months old daughter of the informant.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that petitioner and daughter of the informant were in love, accordingly, both left the house. It is also submitted that petitioner is in judicial custody since 29.05.2024.

6. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

7. On perusal of the FIRm impugned order and statement of the victim under Section 164 it appears that, she was in love affair with the petitioner and she went with the petitioner with her own will, thereafter, solemnized marriage with the petitioner in temple. Moreover, victim in her statement had not made any allegation of sexual assault against the petitioner. The learned Magistrate has assessed the age of the victim is about 18 years old.

8. Considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner 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 A.D.J, VI-cum- Special Judge POCSO, Vaishali at Hajipur in connection with POCSO G.R. Case No. 96 of 2024 arising out of Mahua P.S Case No. 165 of 2024.

(Ramesh Chand Malviya, J)

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