

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6129 of 2025

Arising Out of PS. Case No.-132 Year-2024 Thana- LALGANJ District- Vaishali

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Bishun Kumar S/O Mahadeo Ram R/O Vill- Sahdullahpur, P.S.- Lalganj,
District- Vaishali. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Lalganj P.S. Case No. 132 of 2024, registered

for the offences punishable under Sections 363, 366(A)/34 of the

Indian Penal Code.

3. The allegation against the petitioner is to kidnap the

minor daughter of the informant alongwith other co-accused

persons/family members, as to forced her to illicit

relationship/marriage with another person.

4. It is submitted by learned counsel that as the love

affairs of the petitioner with his daughter was not approved, the

present false case was lodged. It is pointed out that the victim was

in love affairs with this petitioner and out of her own sweet will,



she went away with petitioner for Delhi, where they lived together for substantial period of time. It is submitted that the victim solemnized marriage with petitioner out of her own sweet will and love affairs and, moreover, she denied allegation of kidnapping and sexual assault. It is submitted that from the perusal of statement of victim, as recorded under Section 164 of the Cr.P.C., this case *prima facie* not appears to made out as far allegation of offence punishable under Section 366(A) of the IPC concerned. In support of his submission, learned counsel relied upon the report of Hon'ble Supreme Court as availavle through ***Sat Parkash Vs. State of Haryana*** reported through ***2015(16) SCC475***. Petitioner said to be a man of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that victim was of 15 years at the time of occurrence.

6. Considering the aforesaid factual and legal aspects and further by taking note of the fact as the victim completely denied the allegation of kidnapping and sexual assault through her statement as recorded under Section 164 of Cr.P.C., accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 District and Additional Sessions Judge-VI cum Special Judge, POCSO, Vaishali at Hajipur/concerned Court, where the case is pending in connection with Lalganj P.S. Case No. 132 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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