

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7889 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- HARLAKHI District- Madhubani

Bhagwan Das S/O Guddar Das R/O Village- Harine , P.S.- Harlakhi, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Daultiya Devi @ Dolatiya Devi W/O Rajendra Sah R/O Village- Harine,
P.S- Harlakhi, Dist.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Manoj Kr. Pandey, Adv. Ms. Kumari Pallavi, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner, learned

A.P.P for the State and learned counsel for the opposite

party no. 2.

2. The petitioner seeks bail in connection with
Harlakhi P.S. Case No. 74 of 2024 dated 25.03.2024
registered for the offence punishable under Sections 366A,
504, 506/34 of the Indian Penal Code in which Section 363,
376 of the I.P.C and Section 4 of the POCSO Act and
Section 9 of Prohibition of Child Marriage Act was added
later on.

3. The allegation against the petitioner is that he



along with his family members is said to have kidnapped the daughter of the informant aged about 17 ½ years due to some previous dispute.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the victim was recovered from near temple of village-Kalna. It is submitted that statement of victim was recorded under Section 183 of B.N.S.S., wherein, she has stated that she left home at her own sweet will and went along with the petitioner and married with him. It is also submitted that she went with the sister of the petitioner and presently she is residing with her. It is further submitted that on bare perusal of F.I.R., it appears that victim was aged about 17 ½ years at the time of occurrence and now she has attained majority. It is also submitted that the petitioner is aged about 24 years. Lastly, it has been submitted that the petitioner is in custody since 26.07.2024, having two criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State as well as learned counsel for the opposite party no. 2 oppose the prayer for



bail of the petitioner and submitted that at the time of said occurrence the victim was minor and her consent is not very substantive.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum Special Judge (POCSO), Madhubani in connection with Harlakhi P.S. Case No. 74 of 2024.

(Khatim Reza, J)

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