

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9284 of 2025

Arising Out of PS. Case No.-259 Year-2024 Thana- PANCHRUKHI District- Siwan

Ritesh Kumar @ Diwakar Kumar Ram S/o- Kalindra Ram @ Kalindra Kumar
Ram Resident of Village- Kodai PS- Pachruki Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Mali S/o- Late Nandlal Mali Village- Sahlour Ps- Sarai Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
For the O.P. No.2	:	Mr. Sanjay Kumar Pandey, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 3 17-06-2025 Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A and 376 of the Indian Penal Code and Section 4/6 of the POCSO Act.
3. The allegation made in the first information report is that the informant's daughter had gone to purchase medicine but she did not return and was also not being traced.
4. It is submitted by learned counsel for the petitioner that the first information report has been lodged against the unknown and the name of the petitioner has transpired later on during course of investigation. After the recovery of the victim



girl, her statement was recorded under Section 180 and 183 of the B.N.S.S. A perusal of the statement of the victim recorded under Section 183 B.N.S.S. would show that she has herself stated her age to be 17 years and has further disclosed that the petitioner had called her and asked her to meet him. It is further stated that while she was going, the petitioner took her away with him, kept her in room and, subsequently, solemnized marriage with her in Thawe temple. Thereafter, she was taken to Gurgaon by train. Her further statement reveals that physical relationship was established with her. The petitioner himself brought her to Siwan at the bank where her uncle was working and phone call was made at her home for calling her brother. On the strength of such statements made by the victim, it is submitted that the victim was not being forced for any act, rather she has, by her own consent, gone with the petitioner. It would also appear that at no place, either at the temple or in the train, any resistance has been offered or any alarm has been raised by the victim despite the opportunity. Further, the victim girl was medically examined and her medical examination report would show that no sign of recent sexual intercourse was found and her age was assessed to be 20 years.

5. Learned counsel for the opposite party no.2 vehemently



opposed the prayer for bail.

6. Taking into consideration the entire facts and circumstances of the case as also the statement of the victim recorded under Section 183 B.N.S.S., her medical examination report and also the fact that she has almost attained the age of majority, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pachrukhi P.S. Case No. 259 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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