

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9804 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- BODHGAYA District- Gaya

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Bikku Kumar @ Bittu Kumar S/O Nand Kishore Yadav Resident of Village-
Nanhichak, Bahera, P.S- Tankupaa, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rakesh Kumar @ Rakesh Singh S/O Late Yamuna Singh R/O Village-
Janibigha, P.S- Bodhgaya, Distt.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Bodhgaya P.S. Case No.
243 of 2024 registered for the offences punishable under
Sections 366(A) of the Indian Penal Code.

3. As per the prosecution story, the informant has
alleged that on the alleged date of occurrence, all his family
members were sleeping on the roof of the house, he awoke
about 03:00 AM and found the door of his daughter's room was
open. Thereafter, he found that her daughter is missing. He
further alleged that his daughter used to talk with one Bittu



Kumar (petitioner) and he has suspicion upon him that he has kidnapped her daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case for being in love with informant's daughter. In the F.I.R., no any specific date of occurrence is mentioned. It is alleged that, at 03:00 AM, informant found his minor daughter missing for which the suspicion was raised against the petitioner. The victim was examined by doctors who found nothing unusual and determined the age of victim above 19 years and found recent sexual activity, which is totally legal among couples if done mutually. Learned counsel further submits that the real fact of this case is that victim girl fled from her house on 15.05.2024 at about 11:00 PM on her own sweet will and called the petitioner outside the village for the purpose of marrying with him as they were in relationship since last four years and her parents were strictly against her. On 16.05.2024, the couple reached Koderma and on 19.05.2024 for their security, they themselves went to the police station as the victim was never abducted. When the informant knew the reality, he lodged the present case to satisfy his anger and ego. Petitioner is in custody since 20.05.2024 and his criminal antecedent is clean.



5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. From perusal of the case record, it transpires that despite of notice, no one has appeared on behalf of the informant. In the case diary, the statement of the victim recorded under Section 183 of BNS has been attached, in which she has stated before the Magistrate that she was not abducted by anyone rather she has left her house on her own sweet will. She has also stated that she was in love with the petitioner – Bittu Kumar since four years and she wanted to marry with him but her parents were not agreed to marry her with the petitioner.

7. After going through the entire statement of the victim recorded under Section 183 of BNS, it appears that petitioner has not abducted the victim girl rather she herself fled away from her house. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO – cum – Additional District and Sessions Judge – VI, Gaya in connection with Bodhgaya P.S. Case No. 243 of 2024 subject to the following conditions :-



- (i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.
- (ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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