

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11286 of 2025

Arising Out of PS. Case No.-72 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

Himmat Kumar Son of Kapildeo Mehta village- Phulaut, Ps- Chousa, Dist-
Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sadanand Singh son of Chhedi Singh village- Bodwa tola, Kadwa, ps-
Dholbajja (Kadwa), Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha, Adv
For the Opposite Party/s	:	Mr.Brajendra Nath Pandey, APP
For the Informant	:	Mr. Sanjay Kumar, Adv

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

ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with
Dholbajja (Kadwa) P.S Case No. 72/2023 arising out of
Naugachia Complaint Case No. 261/2023 registered for the
offences punishable under Sections 147, 149, 366, 366(A), 376
of the Indian Penal Code corresponding to 137(2), 96, 64 of
BNS and Section 4 of the POCSO Act.

3. As per allegation in the FIR, petitioner along with
the other accused persons have abducted the minor daughter of
the informant in order to marry her.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He next submits that petitioner's name has been figured only due to village politics. He further submits that no FIR has been lodged against the petitioner and the present complaint case has been lodged that too after a delay to two months. The real story behind this case is that the petitioner as well as the victim girl are co-villagers as well as next door neighbors and both were in love affairs. She herself has gone with the petitioner with her own sweet will and has solemnized marriage with him and no forceful act has been made with her which is evident from the statement made by the victim under Section 164 of Cr.P.C. He further submits that the petitioner is in judicial custody since 22.06.2024 having clean antecedent.

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

6. Learned counsel for the Informant submits that due to changed circumstances, he does not opposes the prayer for bail.

7. On perusal of the FIR, impugned order dated 29.10.2024 and statement made under Section 164 of Cr.P.C., it appears that the victim girl has eloped with the petitioner with her own sweet will and there is no allegation of abduction or



forceful marriage, moreover they have one child aged about six months and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for 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 Exclusive Special Court of POCSO-cum-District and Additional Sessions Judge VII, Bhagalpur in connection with POCSO Case No. 165 of 2024 arising out of Dholbajja (Kadwa) P.S Case No. 72/2023.

(Ramesh Chand Malviya, J)

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