

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10358 of 2025**

Arising Out of PS. Case No.-125 Year-2024 Thana- Manikpur District- Lakhisarai

Aryan Kumar @ Gaurav Kumar, S/o Late Subhash Prasad, R/o Village- Palni, P.O.-Lal bigha, P.S.-Manpur, District- Nalanda; at present Village- Brahmasthan, Biharsharif, P.S.- Laheri, Dist.- Nalanda.

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Soni Kumari, w/o Late Sadanand Mahto, Village and PS- Manikpur, PO- Kwadpur, District- Lakhisarai

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-08-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Manikpur P.S. Case No.125 of 2024 registered for the

offences punishable under Sections 137(2), 96 and 3(5) of

the Bhartiya Nyaya Sanhita, 2023 (for short ‘B.N.S.’).

3. The accused/petitioner is named in the FIR and is

in custody since 26.10.2024.

4. Allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 17 years for the

purpose of illicit intercourse/marriage.



5. It is submitted by learned counsel appearing for the petitioner that after recovery, the statement of victim was recorded, who while recording the statement specifically disclosed her age as 18 years and categorically stated thereof that she went along with petitioner out of her own sweet will due to mental and physical torture of her parents. It is submitted that the victim has refused to join the medical examination and, therefore, there is no radiological determination of age. However, as per school certificate, she is about 17 years and 3 months on the date of occurrence. It is submitted by learned counsel that the petitioner is in custody for about ten months and there is no likelihood to conclude the trial within specified time period as prescribed under Section 35(2) of the Protection of Children from Sexual Offences Act (in short 'POCSO Act') and on this ground alone, the petitioner deserves bail.

6. Learned APP while opposing the prayer of bail could not disputed the aforesaid submissions as advanced by learned counsel appearing for the petitioner. Despite of service of notice, none appeared on behalf of the



informant/O.P. No.2.

7. In view of factual submissions and by taking note of fact as the allegation of kidnapping and sexual assault completely negated by victim while recording her statement under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), coupled with the fact that petitioner remains in custody since 26.10.2024, *prima facie* having remote chance that trial may conclude within specified time period as available under Section 35(2) of the POCSO Act, accordingly, the petitioner, above-named, 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 Chief Judicial Magistrate, Lakhisarai in connection with Manikpur P.S. Case No.125 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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