

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12483 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- KHARIK District- Bhagalpur

Md. Adil Alam S/O Md. Rashid Alam @ Ghogho Resident of Village- Kharik
Bazar, P.S- Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Patel Poddar S/O-Deep Narayan Poddar,R/O-Village-Kharik Bazar, P.S.-
Kharik, District.-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Manish Kumar No. 13
For the State	:	Mr. Dr. Indiarwar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 09-07-2025 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences under Sections 363, 366, 366(A) and 376 of the Indian
Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, the informant has
alleged that his niece used to talk to someone on mobile and one
fine morning, when she had gone to the school to take her
examination, she did not return and as such, an F.I.R. was



lodged that someone had kidnapped the niece of the informant in order to solemnize marriage.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and the allegation of kidnapping is concocted as the victim and the petitioner were having love affair and the victim had gone with the petitioner out of her own sweet will. Learned counsel next submits that such fact can be proved from the statement of the victim recorded under Section 161 and 164 of the Cr.P.C., where she had categorically stated that she had solemnized marriage with the petitioner out of her own sweet will and she was willingly residing with the petitioner. Learned counsel next submits that though from the school certificate, the victim is said to be minor, however, the Doctor, before whom the victim was produced for examination, has ascertained her age to be 19 years. However, the victim had refused for any medical examination. It has lastly been submitted that the petitioner has no criminal antecedent and is in custody since 23.07.2024.

5. Learned counsel for the victim does not oppose the prayer for bail and has stated that the stand of the victim, as taken in her statement before the Police as well as under Section 161 and 164 of the Cr.P.C., remains the same and she is willing



to go with the petitioner.

6. Considering the aforesaid facts and circumstances and taking into account the statement of the victim girl and the period of custody, the petitioner above named be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kharik P.S Case No.140 of 2024, subject to the conditions :-

(i) one of the bailors shall be the close relative of the petitioner

(ii) the petitioner shall remain physically present in the Court on each date of trial.

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) the learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his/her criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of above mentioned order shall not be delayed for purpose of or in



the name of verification.

7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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