

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13918 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- Bankebazar District- Gaya

Rahul Kumar S/O Arun Chauhan R/O Village- Saifganj, Ward No. 03, P.S.-
Banke Bazar, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Chaudhary S/O Late Tulsi Chaudhary R/O Village- Saifganj, Ward
No. 03, P.S.- Banke Bazar, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranvijay Singh, Adv.
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the O.P. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 17-09-2025 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice upon the

O.P. No.2, no one has appeared on his behalf. Perused the

case diary.

2. The petitioner seeks bail in connection with Banke

Bazar P.S. Case No. 05 of 2024 instituted for the offences

under Sections 366(A)/34 of the Indian Penal Code and

Section 8/12 of the POCSO Act.

3. As per prosecution case, the Informant's minor

daughter had gone to Banke Bazar but, she did not return.

The informant has got suspicion that the petitioner has

procured the victim by inducing her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is no eye-witness to the alleged occurrence. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Learned counsel for the petitioner further submits that the victim girl in her statement recorded under Section 164 of the Cr.P.C. has not made any allegation of any overt act against the petitioner rather has accepted that she has already married with the petitioner and how she has a child out of their wedlock. In course of investigation, nothing adverse has come against the petitioner. He further submits that the victim girl is major and had gone with the petitioner voluntarily. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.12.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.



The victim girl is minor. He further submits that the petitioner has not only procured the minor victim girl by inducing her rather the victim has also gave birth to a child. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 366(A)/34 of the Indian Penal Code and Section 4/6 of the POCSO Act..

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the statement of the victim girl recorded under Section 164 of the Cr.P.C., let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banke Bazar P.S. Case No. 05 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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