

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12690 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- CHANDRADIP District- Jamui

Vikash Kumar S/o Mahadeo Kewat R/o vill- Lutaut, P.S - Karande, District -
Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Musru Thakur S/o Late Prabhu Thakur R/o vill - Amba, P.O.- Abgil, P.s.-
Chandradeep, Distt.- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 06-08-2025 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Chandradeep Police Station Case No. 130 of 2024, dated 30.06.2024, disclosing offences under Section 366A, 376, 376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution story, on 27.06.2024, the informant found his daughter missing from his home. It has further been alleged that about 15 days back, the victim had ran away from her house and the informant brought her home and upon asking, she said that petitioner along with co-accused



Mithilesh Kumar had brought her together. It has been alleged that again both of them kidnapped and abducted the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of false and concocted story. The petitioner is 20 years of age and there was adolescent love between the petitioner and the victim. Earlier also, both of them had eloped, however, the father of the victim brought her back. The victim girl was recovered by the police from the house of the petitioner on 04.07.2024 and her statement under Section 161 of the Cr.P.C. was recorded in which she has stated that the co-accused Mithilesh Kumar gave a mobile phone to her and she started talking to the petitioner and she fell in love with the petitioner. On 28.06.2024, the victim called and asked the petitioner to come. Thereafter, the petitioner came near the village school in the night and the victim went to Sheikhpura with the petitioner and solemnized marriage in a Shiv temple.

5. After marriage, she started living with the petitioner as husband and wife. She went with the petitioner on her own free will. The statement of the victim girl was recorded by the police on 04.07.2024 and after 4 days, on 08.07.2024, the



statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has retracted from her statement recorded before the police under Section 161 of the Cr.P.C. under the pressure of the family members. The statement of the victim girl recorded under Section 164 of the Cr.P.C. after 4 days of her statement under Section 161 of the Cr.P.C. was not voluntarily recorded but it was her tutored statement. The victim has remained in custody since 05.07.2024 i.e. for more than 1 year and the trial has not taken any progress and out of 6 witnesses, none has been examined by the prosecution as would be evident from the report of Exclusive Special Judge, POSCSO, Jamui, dated 17.07.2025.

6. Regards being had to the submissions made by the parties and taking into consideration the contradiction in the statement of the victim girl recorded under Section 161 and 164 of the Cr.P.C. and the fact that the petitioner has remained in custody for more than 1 year and no witnesses has yet been examined, accordingly, I am inclined to grant regular bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, be released 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 Additional Sessions Judge, 1st, Jamui, in connection to the Chandradeep Police Station Case No. 130 of 2024, dated 30.06.2024.

9. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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