

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16046 of 2025

Arising Out of PS. Case No.-135 Year-2024 Thana- BALTHAR District- West Champaran

Rahul Kumar @ Rahul Kumara Son of Gurchan sah @ Jitendra Sah Resident
of Village- Awasanpur, P.S.- Balthar, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Late Gudar Patel R/O- Village- Awasanpur, P.S.- Balthar, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey
For the State	:	Mr. Akshay Lal Pandit
For the Opposite Party/s	:	Mr. Vikash Kumar Shekhar
		Mr. Krishna Kant Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 06-08-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the Informant-Opposite party no. 2.
2. This application, for grant of regular bail, arises out of Balthar Police Station Case No. 135 of 2024, dated 27.12.2024, disclosing offences under Sections 137(2)/140(3)/96/3(5) of the Bhartiya Nyaya Sanhita and Sections 8 and 12 of the POCSO Act.
3. The prosecution case, as per the First Information Report, is that on 20.12.2024, at about 07:00 PM, when minor daughter of the informant went to attend nature's call, the petitioner, along with other co-accused persons,



captured/kidnapped the informant's daughter with an intention to perform marriage.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. Petitioner and the victim girl were having love affair. He next submits that the petitioner is aged about 18 years and as per assessment done by the POCSO Court, the age of the victim girl was about 17 years at the time of occurrence. He further submits that this is a case of adolescent love and during course of trial the victim girl has been declared hostile and was cross-examined by the prosecution where she has not supported the prosecution story. The petitioner is in custody since 31.12.2024.
5. Learned counsel for the opposite party no. 2 as well as the State submit that victim girl has not supported the prosecution story during course of trial.
6. Regards being had to the submissions made by the parties and taking into consideration the deposition of the victim girl and period of custody of the petitioner, 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 Session Judge 7th -cum- Special Judge, POCSO, Bettiah, West Champaran, in connection to the Balthar Police Station Case No. 135 of 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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