

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14022 of 2025

Arising Out of PS. Case No.-70 Year-2023 Thana- RATANPUR District- Supaul

Subhash Kumar, Son of Dev Narayan Ram, Resident of Dumari, Ward No. 09, Achalpur, P.S. -Raghopur, District- SUPaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Advocate.

For the State : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Ratanpura P.S. Case No. 70 of 2023, dated 01.11.2023 registered for the offences punishable under Sections 366-A/34 of the Indian Penal Code.

3. As per the First Information Report lodged by father of the alleged victim, the victim/daughter who is aged about 16 ½ years old had been kidnapped by the petitioner and co-accused Amirka Devi, mother of the petitioner.

4. Learned counsel for the petitioner submits that



the Petitioner is innocent and has falsely been implicated in this case. She further submits that the alleged victim is major. As per medical examination, her age is assessed between 18-20 years and as per school certificate, she was born on 19.02.2006. As such, on the alleged date of occurrence, she was 17 years and above eight months old. She further submits that the alleged victim has not supported the prosecution either under Section 161 or under Section 164 Cr.PC. She has clearly stated that she was in love with the petitioner and she was not kidnapped by anybody. In fact, she had gone with the petitioner on her own and got married with him. She wanted to live with her husband and presently she is living with the husband/petitioner. She further submits that as per Hindu Marriage Act, the marriage between the petitioner and the alleged victim is valid and he has committed no offence at all. She also submits that liberty of the petitioner would be curtailed without any legal basis if he is not enlarged on anticipatory bail and denial of bail would destroy the life of two young people.

5. It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the statement of the alleged victim under Section 164 Cr.PC and seeing her age, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Special Judge, POCSO Act, Supaul, in connection with Ratanpura P.S. Case No. 70 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

ii. In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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