

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18961 of 2025**

Arising Out of PS. Case No.-409 Year-2021 Thana- SAUR BAZAR District- Saharsa

Raushan Kumar S/O Kailash Swarnkar Resident Of Village- Bishanpur
Nagarpalika Chauk, P.s.- Begusarai, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramesh Swarnkar S/O Bindeshwari Swarnkar R/O Baijnathpur Hat, Ward
no. 2, P.S.- Saur Bazar (Baijnathpur), Dist.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha, Adv
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

3 29-05-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and the learned APP for the State.

2. The petitioner makes a prayer for grant of regular
bail in a case registered for the offences punishable under
Sections 363, 366, 366(A) of the Indian Penal Code and section
8 of the POCSO Act.

3. The allegation in the FIR is that three persons
including the petitioner took away the informant's adopted
daughter on a motorcycle and kidnapped her. It has further been
alleged that accused persons were living on rent in the house of
one Hararam Swarnkar and the adopted daughter was kidnapped



with the intention to solemnize marriage.

4. Learned counsel for the petitioner submits that the petitioner is a neighbour of the victim and on account of a love affair, they even solemnized their marriage on 08.08.2021 and a child was also born out of the wedlock. When the informant got the knowledge of the same, he instituted the FIR on 10.08.2021. The statement of the victim girl, who claims to be a major was recorded both under section 161 of the CR.P.C and 183 of the BNSS Act and a perusal of the same would go to show that the victim was in a love relationship with the petitioner, which was objected by the informant, who also happens to be her maternal uncle and she was also subjected to torture at their hands. Further, learned counsel appearing for the informant also does not oppose the grant of bail by stating that the petitioner and the victim are staying as husband and wife and child has also born out of the wedlock. The petitioner is in custody since 23.11.2024 with no criminal antecedent.

5. The learned APP opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned



where the case is pending/ successor court in Saur Bazar P.S.
Case No. 409 of 2021.

(Soni Shrivastava, J)

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