

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16434 of 2025

Arising Out of PS. Case No.-49 Year-2024 Thana- SHANKARPUR District- Madhepura

Bhawesh Kumar @ Bhavesh Kumar, aged about 31 years, Male, Son of
Vijendra Yadav @ Bijendra Yadav, Resident of Village- Kabiyaahi (Moura
Kaviyahi), Ward No 12, P.S- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

5 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Shankarpur P.S. Case No. 49 of 2024 instituted for the offences
punishable under Sections 363, 365 and 34 of the Indian Penal
Code.

3. As per allegation in the FIR, the petitioner along
with co-accused Chhotu Kumar kidnapped the minor daughter
of the informant with an intention to marry her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics.
He submits that petitioner has no knowledge about the alleged
occurrence and he has been implicated in this case only on the



basis of suspicion. He further submits that petitioner and informant are co-villager and both parties are well known to each other. He next submits that the victim girl having love affairs with the petitioner and the petitioner has not kidnapped the victim girl. Petitioner is in custody since 14.11.2024.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura dated 04.02.2025, it appears that on the basis of written report of the informant, FIR has been lodged under Sections 363, 365 and 34 of the Indian Penal Code against two accused persons including the present petitioner. After conclusion of the investigation, the police has submitted chargesheet under Sections 363 and 365 of the Indian Penal Code and Section 8 of the POCSO Act against the present petitioner. On perusal of the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C., it appears that the petitioner kidnapped the victim girl and took her to Delhi forcefully but no allegation of sexual assault has been levelled against this petitioner. During trial the victim girl has examined and nothing has stated against this petitioner for any sexual



assault or kidnapping and she has admitted before the learned trial Court that she has gone alone because her father forcefully married to another person and Birendra Yadav (informant) has also supported the statement of victim in his deposition. Petitioner is in custody since 14.11.2024, so considering all these aspects of the case, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released 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 A.C.J.M.-I, Madhepura in connection with Shankarpur P.S. Case No. 49 of 2024.

(Ramesh Chand Malviya, J)

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