

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16818 of 2025

Arising out of PS. Case No.-177 Year-2024 Thana- SARAI District- Vaishali

Aman Kumar S/o Kailash Paswan R/o vill - Patedha Jay Ram, P.S.- Belsar
(O.P.), Distt.- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar S/o Surendra Ram R/o vill - Akbar Malahi, P.S.- Sarai,
Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Thakur, Advocate
For the informant	:	Mr. Arjun Prasad, Adv
For the Opposite Party/s:		Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 29-05-2025 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned Additional

Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Sarai
P.S. Case No. 177 of 2024 instituted for the offences under Sec-
tions 87 of the B.N.S. and section 137(2), 96, 64 of the B.N.S
and Section 4 of the POCSO Act.

3. The prosecution case is to the effect that the daugh-
ter of the informant aged about 17 years did not return from the
school and despite hectic search she could not be located. it was
further alleged that Aman Kumar (Petitioner) had tried to con-
tact his daughter and he had apprehension that it was the peti-



tioner who had kidnapped his daughter.

4. It is submitted by learned counsel for the petitioner that the allegation against the petitioner of kidnapping is absolutely false and concocted. It is further submitted that the petitioner and the victim girl is in love affair and the victim girl had gone with the petitioner out of her own sweet will. It is also submitted by learned counsel for the petitioner that the victim girl in her statement recorded under Section 183 of the B.N.S.S., has not alleged anything against the petitioner rather she has stated that she had performed the marriage with the petitioner and she had left her house out of her own sweet will. It is lastly submitted by the learned counsel for the petitioner that the petitioner has clean antecedent and he is in custody since 08.12.2024.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and have submitted that there is an allegation against the petitioner to kidnap a minor girl and even consent given by her could not be taken into account.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the victim girl has gone out of her own sweet will and she has solemnized marriage



with the petitioner and also the fact that the petitioner has clean antecedent and he is in custody since 08.12.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 6th-cum Special Judge, POCSO, Vaishali at Hajipur in connection with Sarai P.S. Case No. 177 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his crim-



inal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(v) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(vi) The petitioner should refrain interaction with the victim girl or the prosecution side.

(Sourendra Pandey, J)

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