

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17027 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- ALOULI District- Khagaria

Shivam Kumar S/O Phulo Yadav Resident of village- Surha Basatpur, P.S.-
Hasanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Baijnath Pandit Resident of village- Budhaura, P.S.-
Alauli, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shanker Singh, Advocate
For the Informant	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 24-06-2025 Head learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 366A, 376, 504, 506 and
120B of the Indian Penal Code in which charge sheet has been
submitted under Sections 366A, 376 of the Indian Penal Code
and Section 4 of the POCSO Act.

3. As per the prosecution case, the informant has alleged
that her 17 year old daughter used to go for coaching and on
16.06.2023 while the complainant was away in the field, the
named accused persons including this petitioner under a
conspiracy had taken away the daughter of the informant on the



pretext of marriage. The informant has further alleged that the petitioner from his mobile phone had contacted the informant and had asked that he along with daughter of the informant were living in Delhi and had also performed marriage. The informant has stated about frequent phone calls between the two. However, finally a complaint dated 28.11.2023 was filed alleging missing of the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as no such incident as alleged, has occurred. It has further been submitted that the petitioner and the victim girl had been in love affair and they had together gone to Delhi and had also performed marriage. The learned counsel for the petitioner next submits that the victim girl was examined medically in which her age has been assessed 17-18 years, however, she had refused for internal examination and no mark of any violence was found on her body. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 18.10.2024.

5. Learned counsel for the informant and learned APP for the State vehemently opposed the prayer for bail. Learned counsel for the informant has stated that there is allegation upon the petitioner to have inticed the daughter of the informant who



was a minor and had performed marriage which is not maintainable in law. It has further been submitted that the statement of the victim girl under Section 164 Cr.P.C was recorded in which she had stated that she was taken by the petitioner forcibly to Delhi.

6. Considering the aforesaid facts and circumstances of the case and taking into account the nature of allegation specially the fact that the incident had occurred on 16.06.2023 however, the complaint was lodged after more than five months on 28.11.2023, 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 the learned court below where the case is pending /concerned court, in connection with Alauli P.S. Case No. 6 of 2024.

a. If the petitioner is found to have to influence the witness or the informant or his family member, the prosecution shall be at liberty to move the learned court below for cancellation of his bail.

b. One of the bailors of the petitioner shall be her close relative.

c. The petitioner shall remain physically present in Court on each date of the trial.

d. In case of absence on two consecutive dates, or in violation of the terms of the bail and if



the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

e. 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 criminal 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 or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

Prakash/-

U			
---	--	--	--

