

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19179 of 2025**

Arising Out of PS. Case No.-20 Year-2024 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

Pramod Kumar Son of Ram Niwash Mahato Resident of Village - Babura,  
P.S. - Barahra, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Paswan Son of Late Subash Paswan Resident of Vilage - Kanchanpur  
Tola, P.S. - I.I.T. Amhara, District - Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

6      12-08-2025                      Heard the parties.

2. The petitioner seeks bail in connection with IIT  
Amahara P.S. Case No. 20 of 2024 registered for the offence  
under Sections 137(2), 96 of the BNS.

3. The petitioner is named in the F.I.R. and is in  
custody since 06.08.2024.

4. The allegation against the petitioner is to kidnap  
the minor daughter of informant aged about 13 years for the  
purpose of illicit intercourse/ marriage.

5. Learned counsel appearing on behalf of the  
petitioner submitted that victim left her house on her own for



the house of petitioner which is in district Ara and started to live together in his house. It is pointed out that there is no allegation *qua* any sort of sexual assault including penetrative sexual assault against petitioner, out of statement of victim recorded under Section 183 of BNSS. It is further submitted that allegation of kidnapping is also not available. It is pointed out that victim refused to join medical examination as to ascertain any allegations. While concluding the argument, it is submitted that charge-sheet under POCSO Act, in want of any physical relation, in view of statement of victim recorded under Section 183 of BNSS is apparently bad in eyes of law. It is also pointed out by learned counsel that not a single witness was examined till now during the trial, despite of petitioner remains in custody since 06.08.2024, by defying completely the provisions of Sections 35(1) and 35(2) of POCSO Act, where petitioner claimed to be a man of clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that allegation of penetrative sexual assault is specifically available against this petitioner.



7. In view of aforesaid factual submission and by taking note of fact as victim completely negated allegation of kidnapping and sexual assault against petitioner through her statement recorded under Section 183 of BNSS and moreover, not even a single witness was examined till now, including victim despite of the fact that petitioner remains in custody for more than one year, which appears primarily defying legal provisions of Sections 35(1) and 35(2) of POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with IIT Amahara P.S. Case No. 20 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned VII<sup>th</sup> Addl. Sessions Judge cum Special Judge POCSO, Patna /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

**(Chandra Shekhar Jha, J)**

Sudha/-

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