

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20799 of 2025

Arising Out of PS. Case No.-42 Year-2024 Thana- HASANGANJ District- Katihar

Sanjeev Kumar @ Sanjeet Kumar Son of Ramesh Mahto Resident of village
-Mahamdia PS- Hasanganj District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. X, village- Dwashay, Ps- Dandkhora, Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. None appears on behalf of the informant
despite notice being validly served.

2. The petitioner seeks bail in connection with
Hasanganj P.S. Case No. 42 of 2024 instituted for the offences
under Sections 366, 376, 120B of the Indian Penal Code and
Section 4 of the POCSO Act.

3. Accusation against the petitioner is of kidnapping
the minor daughter of the informant.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submitted that initially,



complaint case was filed by the complainant and, thereafter, FIR was registered under Section 156(3) of the Cr.P.C. Learned counsel further submitted that there is a delay of 42 days in lodging the complaint without any plausible explanation, which in itself, raises doubt over the prosecution story. Victim has even refused to undergo medical examination. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she was in love with the petitioner and that she left her house on her own sweet will. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.08.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that this petitioner established physical relations with her on the pretext of marriage. Learned APP further submitted that the consent of the minor victim has no value in the eye of law.

6. Considering the aforesaid facts and circumstances of the case as also Section 164 Cr.P.C. statement of the victim, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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