

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20575 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- SAKATPUR District- Darbhanga

Shiva Paswan @ Shiva Kumar, S/O Rabin Paswan @ Navin Paswan, R/O
Village- Gangauli Kanakpur, P.S- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi, W/O Mukesh Kumar Prasad, R/O Village- Gangauli Kanakpur,
P.S- Sakatpur, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kedar Jha, Advocate
For the State	:	Mr.Surendra Prasad Singh, APP
For the Informant	:	Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no.2.

02. In the present case, the petitioner seeks bail in connection with Sakatpur P.S. Case No. 31 of 2024, registered for the alleged offences under Sections 363/366(A)/504/506/34 of the Indian Penal Code, however, charge sheet has been submitted under Sections 366A, 376, 504, 506/34 IPC, Section 4 of POCSO Act and Sections 9/10 of Child Marriage Act.

03. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner. After 10 days, the daughter of the informant returned and this petitioner and other



co-accused persons hurled abuses on the daughter of the informant and tried to forcibly take her away.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not committed any offence and the allegations are false and concocted. The learned counsel further submits that the informant alleged that her daughter was kidnapped on 18.02.2025, but the informant did not lodge any case for about 70 days. The victim girl was not recovered by the police, rather the informant herself produced her before the police. After return of the victim girl, the FIR has been lodged. The learned counsel further submits that the victim girl was medically examined, but the doctor did not record any opinion that she was subjected to offence of rape and no internal or external injury was found. Moreover, the age of the victim girl has been assessed to be 18-19 years by the medical board. The victim was found to be pregnant and she has been carrying pregnancy of 9 weeks and 10 days. Thus, no offence under the POCSO Act is made out. The learned counsel further submits that the prosecution story as recorded by the victim girl is not believable. The victim girl was taken to a number of places, but she did not raise any alarm, which is very surprising. The



learned counsel further submits that the victim was in love with the petitioner and both of them solemnized marriage and the victim girl has been carrying pregnancy of 9 weeks and 10 days on the date of filing of the bail petition. The learned counsel further submits that the evidence of the prosecution is being recorded in this case and the petitioner is in custody since 01.05.2024. The petitioner is having antecedent of one case in which he is on bail.

05. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the trial is progressing in this case and two witnesses including the victim and the informant have been examined. The learned counsel further submits that there is specific allegation against the petitioner in the statement of victim girl recorded under Section 164 Cr.P.C. that she was forcibly taken away by this petitioner, who made sexual relationship with her.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the stage of the trial and further considering the period of custody of the petitioner, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Darbhanga, in connection with Sakatpur P.S. Case No. 31 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS and also 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

