

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25846 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Ritesh Kumar @ Ritesh Kumar Yadav S/O Dharmendra Yadav Resident of Village- Bahiro, P.S.-Ara, District-Bhojpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishnu Shankar Pathak S/O Shri Kali Charan Pathak Resident of Village- Jamira, P.S.-Ara Mufassil, District-Bhojpur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh, Adv
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Sanjeet Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 31-07-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Ara Muffasil P.S. Case No. 281 of 2024 registered for the offences under Section 96/64 of the Bharatiya Nyaya Sanhita & Section 6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 15.10.2024.

4. The allegation against the petitioner is to commit rape/penetrative sexual assault upon daughter of informant after kidnapping her.



5. Learned counsel appearing on behalf of the petitioner submitted that from the bare perusal of statement of victim as recorded under Section 183 of the BNSS, it appears that victim was in love affairs with petitioner and for said reason they went together and solemnized marriage. It is submitted that allegation of kidnapping and sexual assault is not available against petitioner. It is further submitted that though age of victim as reported through FIR was 13 years, but upon medical examination victim was found in the age group of 17-19 years, and moreover, even after framing of charge victim could not be examined before learned Trial Court defeating the provisions of law as available under Section 35 (1) of the POCSO Act. While concluding the argument it is submitted that matter appears compromised between the parties.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant approved the factum of compromise as submitted.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as victim while



recording her statement under Section 183 of the BNSS totally denied the allegation of kidnapping of rape/penetrative sexual assault against petitioner, coupled with the fact as petitioner remains in custody since 15.10.2024, accordingly above named petitioner, is directed to be released on bail in connection with Ara Muffasil P.S. Case No. 281 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 Additional District and Sessions Judge VI cum Special Judge, POCSO, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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