

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25991 of 2025

Arising Out of PS. Case No.-1050 Year-2024 Thana- MAHUA District- Vaishali

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Kundan Kumar @ Kuadan Kumar Son of Tapeswar Ray Resident of village
- Jalalpur Gangati, P.S.- Mahua, District – Vaishali. Petitioner/s
Versus

1. The State of Bihar.
 2. Prakash Singh Son of Suresh Singh Resident of village - Mangurahi, Post -
Bhagwatpur Taraura, Prakhand,+Anchal + P.S.- Mahua, District - Vaishali.
... .. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr.Hemant Ray, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-08-2025 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 Mahua
P.S. Case No. 1050 of 2024, registered for the offence under
Sections 137(2), 87, 351 BNS and 4, 6 of Protection of Children
from Several Offences Act, POCSO G.R. 13/2025.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 25.12.2024.

4. As per FIR, minor daughter of the informant aged
about 17 years was kidnapped by one Sachin Kumar, to commit
her murder.

5. Being a POCSO Act, notice was issued to the
informant/opposite party no.2, which was received by father of the



opposite party no. 2 and, therefore, affidavit *qua* jointness of the informant with his father was filed on affidavit. Accordingly, notice deemed validly served upon the informant. Despite the same, informant/opposite party no. 2 failed to join the present proceedings.

6. Learned Counsel appearing on behalf of the petitioner submitted that the name of the petitioner transpired only after recovery of victim, where victim while recording her statement under Section 183 of the BNSS categorically stated that she was in love with this petitioner and out of her own sweet will, she went with him. It is also submitted that she went to Delhi with petitioner and solemnized marriage out of her own sweet will. It is further submitted that as per medical report available from Satyawadi Raja Harish Chandra Hospital, Narela, Delhi, there is no sign of physical or sexual assault. The case history suggest that victim married with the petitioner on 01.11.2024. The medical report further suggest that victim refused for internal medical examination. While concluding the argument, it is submitted that the investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail could



not disputed the aforesaid factual submission.

8. Considering the aforesaid facts and circumstances and by taking note of fact as victim after recovery categorically denied allegation of kidnapping and sexual assault rather she stated that she solemnized marriage with petitioner out of her own sweet will at Delhi, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 25.12.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Mahua P.S. Case No. 1050 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 District and Additional Sessions Judge VI cum Special Judge POCSO, Hajipur, Vaishali/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)

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