

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24845 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- MAJHAULIA District- West Champaran

=====

Suraj Kumar S/o- Harilal Ram Resident of village- Gadhwa Ward No. 6
PS-Majhauriya District- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Prabhu Ram S/o- Late Bhukhal Ram Resident of village- Bathna Ward
No. 6 PS-Majhauriya District- West Champaran

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Gyan Prakash, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Majhauriya P.S. Case No. 134 of 2025 registered for the

offences under Sections 126(2), 115(2), 74, 78, 137(2), 96,

352, 351(2) and 3(5) of the Bhartiya Nyay Sanhita, 2023 (in

short, the 'B.N.S.') and section 8 and 12 of the POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 05.03.2025.

4. Allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 15 years



alongwith co-accused persons/family members for the purpose of illicit intercourse/marriage with another person.

5. It is submitted by learned counsel appearing on behalf of the petitioner that while recording statement under section 180 of the B.N.S.S., it is categorically stated by the victim that she was in love with the petitioner and out of her own sweet-will, she visited the house of petitioner without informing her parents.

6. It is submitted that even while recording statement under section 183 of the B.N.S.S., nothing incriminating stated against this petitioner *qua* kidnapping for purpose of sexual assault, as alleged. It is further submitted by learned counsel that petitioner remains in custody for about six and half months, despite of same, not even the victim could examine by the learned trial court in view of section 35(1) of the POCSO Act, and for that matter not a single witness was examined and till date only charge was framed by the learned trial court in this case.

7. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet



has been submitted and as such, there is no chance of tampering with the evidence and moreover, petitioner is a man of clean antecedent.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Mr. Dhananjay Kumar, learned counsel for the informant, while opposing the prayer of bail of the petitioner, submitted that the thrust of allegation is available against this petitioner, whereas he could not disputed the factual submission as advanced above.

10. In view of aforesaid factual submission and by taking note of statement of victim recorded under section 180 & 183 of the B.N.S.S., where she *prima facie* appears to negate the allegation of kidnapping and sexual assault *qua* petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody for about six and half months, accordingly, above-named petitioner is directed to be released on bail, 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-cum-A.D.J.-VI, West Champaran,
Bettiah/concerned court, in connection with Majhauriya P.S.
Case No. 134 of 2025, subject to the condition as laid down
under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya
Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

