

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27619 of 2025

Arising Out of PS. Case No.-366 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Sanoj Kumar Jha @ Raushan Jha @ Sanoj Kuma Jha S/o Upendra Jha R/o
Village- Bijhrauli, P.S.- Tisiautta, District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar
2. Indu Devi W/o Arvind Rajak R/o Vill.- Uttari Dhamoun, P.S.- Patory, Distt.- Samastipur

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 01-09-2025 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

Patori P.S. Case No. 366 of 2023 registered for the offences under

Sections 363, 366(A)/34 of the Indian Penal Code and Section

8/17 of the POCSO Act.

3. The accused/petitioner is not named in the First

Information Report and is in custody since 04.01.2025.

4. As per FIR, co-accused persons namely, Shyam

Sundar Rai and Sonu Kumar along with this petitioner have

kidnapped the minor daughter of the informant aged about 15

years on 29.05.2023 at about 7:00 A.M. due to previous enmity.

5. It is submitted by learned counsel appearing on behalf



of the petitioner that petitioner was not named in the FIR and allegation of kidnapping is available against the named co-accused persons namely, Shyam Sundar Rai and Sonu Kumar, but later on the victim girl was forcibly married with this petitioner on the instance of co-villagers and when the marriage was not accepted by the family members and mother of the petitioner, the present false implication against the petitioner was raised, who was admittedly not involved in kidnapping of minor daughter of the informant.

6. It is submitted that with this false implication the petitioner remains in custody for about eight months, where the trial of this case is not likely to conclude within preferred timeline of one year in view of section 35(2) of the POCSO Act. Petitioner claims to be a man of clean antecedent.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, fairly conceded that petitioner was not named in the FIR and allegation of kidnapping is also not available against him.

8. Despite of service of notice, informant/O.P. No.2 failed to join the present pending proceeding.

9. In view of aforesaid factual submission and by taking note of the fact as petitioner was not named in the FIR and was



not alleged with kidnapping, moreover, *prima facie* this matter appears related with force marriage, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 04.10.2025 and further the trial of this case is not likely to conclude within preferred timeline of one year as mentioned under section 35(2) of the POCSO Act, 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 Additional Sessions Judge-VI-cum-Special court (POCSO Act), Samastipur, in connection with Patori P.S. Case No. 366 of 2023, 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)

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