

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28650 of 2025**

Arising Out of PS. Case No.-241 Year-2024 Thana- BANKA District- Banka

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Amit Kumar Son of Prahlad Yadav Resident of village - Modipur, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ghanshyam Yadav Son of Sri Yamuna Yadav Resident of village - Jitarpur, P.S.- Banka, District - Banka.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Khushi Awadh  
For the Opposite Party/s : Ms. Nirmala Kumari

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      07-05-2025                      Heard the learned counsel for the petitioner and learned APP for the State.

2. The petitioner, who is in custody since 17.06.2024, seeks regular bail in connection with Special POCSO Case No. 12 of 2025 arising out of Banka P.S. Case No. 241 of 2024 registered for the offence under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner is accused of taking away the daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has relied upon the statement made in paragraph nos. 10 & 11 of the bail



petition which reads as follows:

*“10. That besides, in 164 Cr.P.C. statements, the so-called victim has given a complete go bye to the prosecution story when she said that she called her boyfriend namely the petitioner on 09/06/2024 for roaming somewhere accordingly on 10/06/2024, both went away.*

*11. That the victim has further said in 164 Cr.P.C. statements that they wandered a long distance and the petitioner held back the so-called victim and when returning after 2-3 days, the police apprehended them in the way.”*

5. This Court is of the considered opinion that if the statement made in paragraph nos. 10 and 11 are true then the petitioner deserves bail.

6. In these circumstances, this application is disposed of with a direction to the Special Judge to verify the statement made in paragraph nos. 10 and 11 of the bail petition.

7. If the Special Judge finds that the statement given in paragraph nos. 10 and 11 are true then the petitioner shall be released on bail. If the same is found to be false, an appropriate order shall be passed by the Special Judge.

**(Sandeep Kumar, J)**

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