

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29066 of 2025

Arising Out of PS. Case No.-201 Year-2023 Thana- SARMERA District- Nalanda

Chiku Rabidas @ Durga Rabidas S/O Ganesh Rabidas R/O Village- Manihari
Athmalgola @ Azampurgola, P.S- Manihari, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Ram S/o- Ganga Ram Village- Manachak Ps- Sarmera Po- Konar Kala
Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasudeo Ram, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

For the O.P. No.2 : Mr. Raghvendra Kumar singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with
Sarmera P.S. Case No. 201 of 2023 [Special (POCSO) Case
No. 167 of 2023] instituted for the offences under Section
366(A) of the Indian Penal Code and Section 8/12 of the
Protection of Children from Sexual Offences Act, 2012.

3. As per prosecution case, the accusation against the
petitioner is of luring and taking away the minor daughter of the
Informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the allegation made against the petitioner is false rather the girl herself fled and came to the petitioner and both of them have also solemnized marriage in Shiv Mandir, Katihar and started living together. The police recovered the girl and recorded her statement under Sections 161 and 164 of the Cr.P.C. in which she has stated that she herself went to the house of the petitioner. He further submits that the girl is living happily in the house of the petitioner and she has also delivered a girl child in Primary Health Center, Manihari. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Section 366(A) of the I.P.C. and Section 8/12 of the POCSO Act, 2012.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the materials available in the case diary, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sarmera P.S. Case No. 201 of 2023 [Special (POCSO) Case No. 167 of 2023], subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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