

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29179 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- KUDHNI District- Kaimur (Bhabua)

Pradeep Chauhan S/o Binod Chauhan @ Vinod Chauhan R/o Village- Parsiya,
P.S.- Kudhani, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Paswan S/o Late Subedar Paswan R/o Village- Parsiya, P.S.-
Kudhani, District- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Uday Pratap Singh, Adv.
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

5 13-08-2025 Heard learned counsel for the petitioner and learned
APP for the State. In spite of valid service of notice upon the
O.P. No.2, no one has appeared on his behalf. Perused the case
diary.

2. The petitioner seeks bail in connection with
Kudhani P.S. Case No. 23 of 2024 instituted for the offences
under Sections 96, 64 of the Bhartiya Nyaya Sanhita, 2023 and
Section 4 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of enticing and taking away the Informant's minor
daughter on the false pretext of marriage.

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 submits that there is a love affair between the victim girl and the petitioner and the victim girl on her own sweet will went to the petitioner. He further submits that the victim girl in her statements recorded under Section 180 & 183 of the B.N.S., 2023 has stated that she had gone with the petitioner out of her own free will without any force and has not made allegation against the petitioner. Both the parties have also performed marriage. He further submits that there is delay of 18 days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 15.02.2025 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim is minor and thus, the offence alleged against the petitioner is serious in nature. The Informant in his re-statement in Para-2 and the witnesses in Para 7 & 8 of the case diary have supported the prosecution case. The



Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 96, 64 of the B.N.S. and Section 4 of the POCSO Act.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected at this stage with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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