

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34453 of 2025

Arising Out of PS. Case No.-39 Year-2023 Thana- BIND District- Nalanda

Rocky Kumar @ Rauki Kumar @ Rocky Paswan S/o Janardan Paswan R/o
Village- Ahiyachak, P.S.- Bind, District.- Nalanda (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aklesh Sharma S/o- Late Ramji Thakur R/o- Village- Ahiyachak, P.S - Bind,
District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-07-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Bind P.S. Case no. 39 of 2023 registered under sections 363, 366A, 504, 506 and 34 of the Indian Penal Code to which sections 8 and 12 of the POCSO Act were added subsequently.

3. As per the prosecution case, the petitioner along with others kidnapped the 14 year old minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 28.6.2024 passed in Cr. Misc. no.21860 of 2024



giving liberty to the petitioner to renew his prayer for bail after six months and on examination of the victim in course of trial. It has been almost a year since the last date of rejection and the victim has been examined in the learned trial Court, her deposition having been brought on record as annexure to the supplementary affidavit filed on behalf of the petitioner. Learned counsel submits that the alleged victim has not supported the prosecution case. The petitioner has remained in custody since 14.7.2023 and he be enlarged on bail.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. together with the contents of the petition, it transpires that in her deposition, the victim has stated that she married the petitioner as per Hindu rites and customs and that she was not kidnapped. It further transpires that she had come to depose in the trial along with her in-laws ie the parents of this petitioner.

7. Taking into consideration the facts and circumstances of the case, the petitioner having remained in custody for over 2 years since 14.7.2023 and especially the contents of the deposition of the victim brought on record by



way of a supplementary affidavit, the petitioner is directed to be enlarged on bail in connection with Bind P.S. Case no.39 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II – cum – Special Judge POCSO, Nalanda, Biharsharif.

(Partha Sarthy, J)

avinash/-

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

