

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31230 of 2025

Arising Out of PS. Case No.-326 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Parmanand Kumar @ Aryan Raj @ Sonu, S/o Kundan Poddar, Resident of
village-Shiv Kumari Pahar, P.S- Kahalgaon, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Narayan Gupta, S/o Late Sitaram Gupta, Resident of Village - Sultanganj,
Ward No.-01, P.S. -Sultanganj, District - Bhagalpur, Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-09-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Sultanganj P.S. Case No.326 of 2022 registered for the

offences punishable under Sections 363, 366-A read with 34

of the Indian Penal Code and Section 8 of the Protection of

Children from Sexual Offences Act (in short 'POCSO Act').

3. The accused/petitioner named in the FIR and is

in custody since 14.02.2025.

4. As per FIR, the allegation against the petitioner

is to kidnap the minor daughter of the informant aged about

17 years along with his father and other family members/co-



accused for the purpose of illicit intercourse/marriage with another person.

5. It is submitted by learned counsel appearing for the petitioner that the victim daughter of the informant was in love with petitioner and as her relation with petitioner was not approved by her parents, the present false case was lodged. It is submitted by learned counsel that the victim has travelled along with petitioner from Kahalgaon upto Gujarat, Delhi and surrounding areas and remained together for one and a half years but, she never raised any alarm and only after lodging the present FIR, under tutoring of her parents, she stated incriminating version *qua* penetrative sexual assault against petitioner. It is further pointed out that upon medical examination, no incriminating material surfaced, which may suggest rape/penetrative sexual assault upon victim daughter of the informant. While concluding argument, it is submitted that the petitioner is in custody since 14.02.2025 i.e. for almost seven months and even victim could not be examined in view of Section 35(1) of the POCSO Act. The petitioner claimed clean antecedent.



6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* allegation of kidnapping is not appearing convincing, as the victim travelled along with petitioner to different places of country together, coupled with the fact that charge-sheet has already submitted, where the victim even could not examined within specified time in view of Section 35(1) of the POCSO Act, where petitioner remains in custody since 14.02.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. court of POCSO-cum-District and Additional Sessions Judge-VII, Bhagalpur in connection with Sultanganj P.S. Case No.326 of 2022 and POCSO Case No.185 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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