

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34687 of 2025

Arising Out of PS. Case No.-186 Year-2022 Thana- GOPALPUR District- West Champaran

Sandip Kumar S/o Bhimlal Sah @ Bhimal Sah Resident of Village- Mahesra,
P.S- Gopalpur, Dist.- West Champaran. Petitioner/s

Versus

1. The State of Bihar.
2. Upendra Mahto S/O Dukhi Mahto R/O Village- Mahesra, P.S- Gopalpur,
Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-09-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 186/2022, registered for the offence under Sections
363, 366A of the Indian Penal Code and Sections 3(i)(r), 3(2)(v-
a) of SC/ST Act and Section 8/12 of the POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 11.03.2025.

4. The allegation against the petitioner is to kidnap the
minor daughter of the informant aged about 14 years, on
intervening night of 16.12.2022 for the purpose of illicit
intercourse/marriage with another person.

5. Learned Counsel appearing on behalf of the petitioner
submitted that after recovery, victim while recording her
statement under Section 183 of the BNSS, categorically stated



that she solemnized marriage with petitioner as she was in love with him. It is submitted that victim completely negated the allegation of kidnapping. Learned counsel further submitted that the case was lodged for the offence punishable under Section 8/12 of the POCSO Act and, there is no allegation *qua* penetrative sexual assault/rape, which further gets strength from the statement of victim as recorded under Section 183 of the BNSS. It is also submitted that nothing transpired from the statement of victim as discussed aforesaid, which may suggest *prima facie* that present occurrence took place within the meaning of atrocities and defined under SC/ST (POA) Act, 1985. While concluding argument, it is submitted that after solemnizing marriage, victim residing with petitioner as a wife and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned Spl. PP Mr. Binay Krishna, while opposing the prayer of bail submitted that the thrust of allegation is available against this petitioner but he could not disputed the statement of victim as recorded under Section 183 of the BNSS.

7. Notice as issued by this Court was received by wife of the informant i.e. mother of the victim and, therefore, it deem



served validly upon opposite party no. 2. Despite of valid service, none appeared to join the present proceedings on behalf of the informant/opposite party no. 2.

8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* victim daughter of the informant after recovery, completely negates the allegation of kidnapping and sexual assault against the petitioner, rather she stated that after solemnizing marriage with petitioner residing with him as wife, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 11.03.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Gopalpur P.S. Case No. 186/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Act-Additional Sessions Judge-VI, West Champaran, Bettiah/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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