

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31911 of 2025**

Arising Out of PS. Case No.-828 Year-2024 Thana- AMARPUR District- Banka

Ashish @ Aashish Son of Narayan Resident of Village - Chouth Mataji  
Mandir Prem Nagar 2 Indira Gandhi Nagar, P.S.- Udyog Nagar, Distt.- Kota,  
Rajasthan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaikishore Choudhary Son of Vishwanath Choudhary Resident of Village -  
Kalyanpur, P.S.- Amarpur, District - Banka

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      08-10-2025

Heard the parties.

2. The petitioner seeks bail in connection with  
Amarpur P.S. Case No. 828 of 2024 registered for the offence  
under Sections 137(2), 140(3) of BNS and Section 8 of POCSO  
Act.

3. The petitioner is named in the F.I.R. and is in  
custody since 12.01.2025.

4. The allegation against the petitioner is to kidnap  
the minor daughter of informant aged about 17 years for the  
purpose of illicit intercourse/ marriage with another person.

5. Learned counsel appearing on behalf of the  
petitioner submitted that the daughter of the informant was  
having love affairs with petitioner and as their affairs was not



approved by the parents of the victim girl, present false implication was raised against this petitioner. It is submitted that victim went alongwith petitioner to Rajasthan where they solemnized marriage in Devrani temple, Kota on their own sweet will. It is further submitted that upon radiological examination the age of the victim was found above 18 years and she appears major, however, it is conceded that as per school certificate age of victim is less than 18 years on the date of occurrence. It is pointed out that victim categorically denied sexual assault or kidnapping against this petitioner in the statement made under Section 183 of BNSS. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer of bail.

7. It is pointed out by Mr. Navin Kr. Pandey, learned APP that the notice as issued by this Court upon informant was duly served upon and this fact was communicated to him through letter no. 282 dated 04.10.2025 as issued from the office of S.P., Banka.



8. Service report submitted across the Court was taken on board.

9. Despite of service of notice none appeared on behalf of informant to join the present pending proceedings.

10. In view of aforesaid factual submission and by taking note of fact as victim *prima-facie* negate the allegation of sexual assault and kidnapping against this petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 12.01.2025, accordingly petitioner above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 828 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 6 cum Special Judge POCSO, Banka /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)

Sudha/-

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