

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33356 of 2025**

Arising Out of PS. Case No.-340 Year-2024 Thana- KOILWAR District- Bhojpur

Akash Kumar, S/o Dabli Chandravanshi, Resident of Village- Koilwar, P.S.-  
Koilwar, Distt.- Bhojpur

... .. Petitioner

Versus

1. The State of Bihar
2. Rita Devi, W/o Om Prakash Sah, R/o village - Koilwar, Ward No. 3, P.S.-  
Koilwar, Distt.- Bhojpur (Ara).

... .. Opposite Parties

**Appearance :**

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

Ms. Swarnima, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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

5      25-11-2025                      Heard learned counsel for the petitioner  
and learned Additional Public Prosecutor for the  
State.

2.The accused/petitioner seeks bail in  
connection with Koilwar P.S. Case No.340 of 2024  
registered for the offences punishable under  
Sections 96, 137(2) of the Bhartiya Nyaya Sanhita,  
2023 (for short 'B.N.S.') as well as Sections 8 and  
12 of the Protection of Children from Sexual  
Offences Act (in short 'POCSO Act').

3.The accused/petitioner is named in the  
FIR and is in custody since 21.10.2024.



4. Allegation against petitioner is to kidnap the minor daughter of informant aged about 16 years for the purpose of illicit intercourse/marriage.

5. It is submitted by learned counsel appearing for the petitioner that during course of investigation, the statement of victim was recorded under Section 180 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), where she categorically denied the allegations of kidnapping and penetrative sexual assault rather she stated that out of her own sweet will, she solemnized marriage with petitioner and living happily. It is pointed out that as love affairs of victim with petitioner was not approved by the parents of victim including informant, the present false case was lodged. Arguing further, it is pointed out that the petitioner is in custody for more than one year but still the trial is pending before the court below, which is in deviation with timeline as provisioned under Section 35(2) of the POCSO Act.

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



7. Despite service of notice, none turned up on behalf of informant to join the present pending proceeding.

8. In view of aforesaid factual submissions and by taking note of fact as *prima facie* allegation of kidnapping and penetrative sexual assault cannot be gathered from the statement of victim as recorded under Section 183 of the BNSS, coupled with the fact that timeline as provisioned under Section 35(2) of the POCSO Act already appears crossed, as petitioner remains in custody since 21.10.2024, 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 6<sup>th</sup> District and Sessions Judge-cum-Special Judge, POCSO, Bhojpur, Ara in connection with Koilwar P.S. Case No.340 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.



(Chandra Shekhar Jha, J.)

Sanjeet/-

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