

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33286 of 2025

Arising Out of PS. Case No.-191 Year-2022 Thana- SHANKARPUR District- Madhepura

Dhananjay Yadav @ Dhananjay Kumar Yadav, S/O Ram Pravesh Yadav, R/O
Village- Madanpur, Ward No-15, P.S- Bharrahi, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Visho Yadav @ Bisheshwar Yadav, S/o Late Dhanik Lal Yadav, R/o village -
Moura, Jharkaha, Ward No. 14, P.S.- Shankarpur, District- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate
For the State	:	Mrs. Rita Verma, APP
For the O.P.No.2	:	Mr. Sumit Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-08-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no.2.

02. In the present case, the petitioner seeks bail in
connection with Shankarpur P.S. Case No. 191 of 2022,
registered for the alleged offence under Sections 363, 366(A)/34
of the Indian Penal Code and Section 8 of POCSO Act.

03. As per prosecution case, the petitioner and other
co-accused persons kidnapped the minor daughter of the
informant with an intention of solemnizing marriage with her.
The petitioner is stated to be the husband of the elder daughter
of the informant.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of nine days for which there is no satisfactory explanation. This shows deliberation and afterthought on part of the informant. The statement of the victim girl was recorded under Section 183 of BNSS wherein she stated her age to be 22 years and further stated that she left her house on her own and went to Delhi where she solemnized marriage with her brother-in-law, the petitioner herein, and started living as husband and wife and there is a son out of this wedlock. The daughter of the informant further stated that no one kidnapped her and she left her house on her own. The learned counsel further submits that in the facts and circumstances of the case, it is apparent that no offence under Sections 363 and 366A is made out. The petitioner is in custody since 29.01.2025 and is having clean antecedent. The charge sheet has been submitted.

05. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the victim girl was minor at the time when she left her house and rejection order also shows her date of birth as per her matriculation mark-sheet to be 03.05.2006. Therefore, consent



of minor is immaterial.

06. The learned counsel appearing on behalf of the opposite party no.2, however, submits that the informant has reconciled the matter with his daughter and the petitioner and the daughter of the informant has started staying in the house of the petitioner.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement of the victim girl and voluntary nature of her act and further considering her age when a girl develops sufficient maturity and also considering the period of custody of the petitioner, submission of charge sheet along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura, in connection with Shankarpur P.S. Case No. 191 of 2022, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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