

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34282 of 2025

Arising Out of PS. Case No.-79 Year-2020 Thana- DIDARGANJ District- Patna

Sonu Kumar S/O Sanjay Rai R/O Nayatola, Bhidaur, Dadaur, P.s.-
Bakhtiyarpur, Dist.- Patna.

... .. Petitioner

Versus

1. The State of Bihar Patna
2. Kusum Devi W/O Kapil Singh R/O Gulmahiya Bagh, Kachchi Dargah, P.s.-
Didarganj, Dist.- Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Shekhar, Advocate
For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Special (POCSO) Case No. 53 of 2025 corresponding to

Didarganj P.S. Case No. 79 of 2020 registered for the

offences under Sections 366(A), 34 of the Indian Penal Code.

3. The accused/petitioner is named in the First

Information Report and is in custody since 17.12.2024.

4. Allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 16 years

alongwith other co-accused persons for purpose of illicit

intercourse/marriage with another person.



5. It is submitted by learned counsel appearing on behalf of the petitioner that daughter of the informant left her parental home out of her own sweet-will as her love affairs with the petitioner was not approved by her parents. It is submitted that the victim, in her statement recorded under section 161 of the Cr.P.C., stated that she was in love affairs with the petitioner and she left her parental home out of her own sweet-will. It is submitted that victim also stated that she solemnized marriage with the petitioner after leaving her parental home.

6. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence. Petitioner claims to be a man of clean antecedent.

7. It is also pointed out that despite of custody period of petitioner for about ten months, still the matter is pending for examination of prosecution witnesses and, therefore, conclusion of trial appears a remote aspect in view of section 35(2) of the POCSO Act.



8. Upon perusal of office report, it transpires that notice, as issued by this Court, was refused to accept by the informant/O.P. No.2.

9. Upon refusal, the notice, as issued by this Court, be deemed to be validly served upon informant/O.P. No. 2.

10. The informant/O.P. No. 2 failed to join the present pending proceeding.

11. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

12. In view of aforesaid submission and by taking note of the fact as the victim during course of investigation *prima facie* negate the allegation of kidnapping and sexual assault against the petitioner, coupled with the fact that investigation of this case is already completed and, moreover, petitioner remains in custody since 17.12.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Rape and POCSO Act), Patna/concerned court, in connection with Special (POCSO)



Case No. 53 of 2025 corresponding to Didarganj P.S. Case
No. 79 of 2020, subject to the condition as laid down under
Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya
Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

