

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33968 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- PANDARAK District- Patna

Devendra Kumar S/O Baidynath Poddar @ Baijnath Poddar R/O Village-
Rasulpur, Ward no-8, P. S. -Banmanki Itahari, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitish Kumar S/O Late Kailash Prasad R/O Village-Gopikita Pandarak, PS-
Pandarak, Distt-Patna, Pincode-803213

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 04-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State. However, despite service of notice, no one
appears on behalf of the opposite party no.2.

2. In the present case, the petitioner seeks bail in
connection with Pandarak P.S. Case No. 155 of 2024 registered for
the offences under Sections 363, 366(A), 376 and 342/34 of the
Indian Penal Code, Section 4 of the POCSO Act and Section 9 of
the Prohibition of Child Marriage Act.

3. As per prosecution case, sister of the informant left
her house to attend her classes but she did not return. Later on,
name of the petitioner transpired for being involved in her
kidnapping.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. FIR has been lodged after delay of 15 days without any satisfactory explanation. Even then the petitioner has been implicated merely on suspicion. The victim was girl recovered on 27.08.2024 and her statement was recorded under Section 183 of BNSS and she stated that she left her house in anger and came to railway station from there she went to Simri Bakhtiyarpur, Saharsa where she met with the petitioner who took her to his house. The victim girl has never stated that she was kidnapped by the petitioner or he committed any wrongful act with her. The victim girl and her mother did not allow to medical examination of the victim. Learned counsel further submits that the victim girl is major and no offence under Sections 363 and 366(A) of IPC or under POCSO Act is made out against the petitioner. Petitioner is in custody since 27.08.2024 and charge-sheet has been submitted. Petitioner is having antecedent of one case in which he is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that victim girl is stated to be minor and there is allegation of rape. The petitioner got her married to his younger brother.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and doubtful nature of allegation against the petitioner



and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Patna/concerned court in connection with Pandarak P.S. Case No. 155 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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 below, if so required by the learned trial court.
- (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)

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