

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34025 of 2025

Arising Out of PS. Case No.-41 Year-2024 Thana- Sri Nagar District- Purnia

Bhawesh Kumar @ Bhawesh Kumar Yadav son of Bharat Lal Yadav Village- Sahbajja PS -Srinagar Distt -Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhim Mahaldar son of Ishwari Mahaldar village- Hasaili Khutti, Ps- Srinagar, Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Adv.
For the State	:	Mrs. Sangeeta Sharma, APP
For the O.P. No. 2	:	Mr. Bijendra Kr. Singh, Adv. Mr. Kumar Dhananjay Singh, Adv.

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 as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Srinagar P.S. Case No. 41 of 2024 registered on 13.06.2024 for the offences under Sections 363 and 366A of the Indian Penal Code.

3. As per prosecution case, petitioner enticed away the minor daughter of the informant who took with her Rs. 20,000/- in cash and some ornaments.

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 23 days without any explanation. From the FIR, it appears that the daughter of the informant left her house on her own and no one took her away.



Victim girl was medically examined and her age was assessed to be more than 18 years. When the statement of the victim girl was recorded before the learned Judicial Magistrate she stated that she has solemnized marriage with the petitioner and remained in her matrimonial home for 10 days and thereafter she was thrown out. It is a case of love affair between the petitioner and the daughter of the informant and the victim girl is major. Therefore, no offence under Sections 363 and 366A of the IPC and Section 8 of POCSO Act is made out against the petitioner. Petitioner is in custody since 11.09.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that statement of the victim girl was recorded by the police wherein she stated that the petitioner forcibly took her away and committed rape with her and thereafter solemnized marriage giving her threat.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubt over the age of the victim and further considering the voluntary nature of her act and also considering the clean



antecedent of the petitioner coupled with his period of custody 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 District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Purnea/concerned court in connection with Srinagar P.S. Case No. 41 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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