

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37001 of 2025

Arising Out of PS. Case No.-726 Year-2022 Thana- AMARPUR District- Banka

Ajeet Kumar Mahto @ Ajit Kumar @ Ajit Kumar Mahto S/O Sakaldeo Mahto @ Sakaldev Mahto Resident Of Village- Pairgha, PS- Amarpur, Distt-Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi W/O Sanjay Yadav R/O Village-Rampur, PO-Bharko,PS- Amarpur, Distt-Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv
For the Opposite Party/s : Mr. Anil Kr. Singh No. 1, APP
For the Informant : Mr. Ajay Mukherjee, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Amarpur P.S. Case No. 726 of 2022 registered for the offences under Sections 366(A) of the Bharatiya Nyaya Sanhita.

3. The petitioner is named in the F.I.R. and is in custody since 22.12.2024.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant for the purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation of kidnapping and sexually assault is completely absent out of statement of victim as recorded under



Section 183 of the BNSS and from the radiological examination victim was found between the age group of 17-19 years. It is submitted that victim lived with petitioner somewhere in Kanpur, U.P. where she became pregnant, but for certain reasons baby of victim died after birth. It is submitted that presently victim is living her life happily with petitioner as wife and husband. Learned counsel for the petitioner made statement at bar that petitioner is ready to keep informant as wife with full respect and dignity. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed submission as advanced from the statement as recorded by victim under Section 183 of the BNSS.

7. Learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that he has no objection to prayer of bail if petitioner is ready to keep informant/victim as his wife with all her respect and dignity.

8. In view of aforesaid factual submission and by taking note of fact as still trial of this case is pending, coupled with the



fact as petitioner remains in custody since 22.12.2024 which is sufficient to suggest that same is not likely to concluded within provisioned time line in terms of Section 35(2) of the POCSO Act, accordingly above named petitioner, is directed to be released on bail in connection with Amarpur P.S. Case No. 726 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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