

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36043 of 2025

Arising Out of PS. Case No.-1 Year-2024 Thana- MALAHI District- East Champaran

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KUNDAN KUMAR S/o- Chotu Mahto @ Chattu Mahato R/o- Malahi Britya
Tola P.S- Malahi Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi W/o- Motilal Mahato R/o- Malahi Britya Tola P.S.- Malahi
Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-06-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. The petitioner seeks pre-arrest bail in connection
with Malahi P.S. Case No. 01 of 2024 for the offence punishable
under Sections 363 and 366A/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

3. The petitioner who is aged about 20 years is alleged
to have kidnapped the minor daughter of the informant on the
pretext of marriage along with other accused persons.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and he has committed no offence as alleged. The victim as well as the petitioner are known to each other and are of very tender age. Petitioner has just emerged as an adult aged about 20 years. From the F.I.R. itself it is clear that, there is no allegation of any physical assault or sexual assault to have been committed by the petitioner. At this tender age, the youth may have some infatuation for the opposite sex due to biological as well as psychological changes in them and the youth of petitioner's age cannot be expected to be aware of the punishment for such act, which he has committed without knowing.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard the rival submissions of the parties and the allegation made in the F.I.R. being registered against the petitioner, who has emerged as an adult and is unaware of the provisions of the POCSO Act was in relationship with the daughter of the informant. The petitioner has just emerged as an adult and requires the support and guidance of their parents and the society at large.

7. At the best, the action can only be innocuous and as such keeping him under trial would not be justified and only



entail to misuse the provision of the Act. I am of the opinion that the petitioner has made out a case to be released on bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Special Judge, POCSO Act, East Champaran, Motihari in connection with Malahi P.S. Case No. 01 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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