

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44758 of 2024

Arising Out of PS. Case No.-694 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

SANTOSH KUMAR S/O RAMBHAWAN PASWAN Resident of Village-
Badka Gao Dharampur, P.S.- Kurtha, District Arwal

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. AJAY KUMAR S/O RAJNANDAN YADAV R/O VILLAGE- SERTHUA
TOLA SALEMPUR, P.S- KAKO (BHELAWAR O.P.), DISTT.-
JEHANABAD.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Special POCSO Case No. 07 of 2024 arising out of Makhdumpur (Tehta O.P.) P.S. Case No. 694 of 2023 dated 04.11.2023 registered for the offences punishable u/ss 363, 365, 366-A, 376, 376(3), 370(4), 372, 373 & 120B read with section 34 of the Indian Penal Code, Sections 4,6 & 8 of the POCSO Act, Sections 8 & 9 of the Prevention of Immoral Trafficking Act and Sections 9, 10 & 11 of the Prohibition of Child Marriage Act.

3. As per the prosecution case, on 03.11.2023 at about



08:00 A.M., the informant's daughter went her coaching institute at Serthua More to study but did not return. The informant along with others started searching for her daughter and during course of search, the informant came to know from various sources that one Akash Kumar and Ankit Kumar kidnapped his daughter with mala fide intention. The girl is aged about 14 years old and studying in Class IX.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in this case only on suspicion. During the course of investigation, it has transpired that the victim was having love affair with Akash Kumar and she used to talk to him through phone and meet him secretly. The petitioner has no concern with the alleged occurrence. No offence of Sections 366A, 376(3) of the Indian Penal Code is made out against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 27.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim in her statements recorded under Section 161 and 164



of the Cr.P.C. has stated that the co-accused Akash Kumar took her to Madhuwan Hotel, Jehanabad, where he committed rape on her forcibly. On being asked, the co-accused Akash Kumar denied to marry her and left her. Then the victim met the petitioner Santosh Kumar who took her to his house at Kurtha, where he also committed rape on her forcibly. The petitioner Santosh Kumar took the victim to Gaya on assurance of marriage with her, but the petitioner Santosh Kumar got the marriage of the victim solemnized with one Madan Kumar with the aid of the co-accused and his wife (Neelam Devi). Madan Kumar gave Rs.1.50 lack to the co-accused Munta Sao @ Manoj Prasad for the said marriage. The wife of the co-accused got the victim decorated for marriage. The victim went to the house of Madan Kumar in Madhya Pradesh, where she started leading her conjugal life as husband and wife. The co-accused Madan Kumar established physical relationship with the victim forcibly. The victim has further stated that there was several talks between the petitioner Santosh Kumar and the co-accused Madan Kumar on mobile phone and the petitioner Santosh Kumar demanded Rs.50,000/- from Madan Kumar but Madan Kumar did not send the money to the petitioner Santosh Kumar. It is further submitted that as per report of the medical board,



hymen ruptured, redness in particular part of vagina and the victim had sexual intercourse.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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