

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42069 of 2025

Arising Out of PS. Case No.-16 Year-2024 Thana- ANGARH District- Purnia

Guddu Kumar Sah S/O Sri Pokla Sah @ Hari Mohan Sah Resident of Village-
Mazhgama Ward No- 12, Post and P.S- Angarh Hat, District- Purnia.

... .. Petitioner

Versus

1. The State of Bihar
2. Braj Kishore Singh S/o Late Chandrakant Singh R/O Village- Mazhgama
Ward No.-12, P.O and P.S- Angarh Hat, Distt.- Purnia.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 01-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366A and 376 of the Indian Penal Code and Section 6 of the POCSO Act.

3. The case of the prosecution is that the petitioner has kidnapped the minor daughter of the informant and took her to *Rohtak*. After that, she got pregnant and the same was aborted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the



petitioner has submitted that from perusal of the FIR, it is clear that the occurrence is of 19.03.2024 and the case was filed on 08.05.2024. It has been submitted that there was love affair between the petitioner and the victim. During course of investigation, the statement of the victim was recorded under Section 164 Cr.P.C. wherein she has alleged that on the date of occurrence, petitioner has committed rape on knife point. It has further been stated by the victim that she was forced to meet the petitioner due to which, she got pregnant. From perusal of statement of the victim, it is clear that she has not given any date of the occurrence. It is also clear that she lived there with the petitioner for one and half month. The age of victim is 17 years and odd months. Her medical examination was conducted and the doctor has assessed her age between 18 to 20 years and it has been opined by the medical board that there is no sign of sexual assault. At the time of her examination, no mark of injuries were present on her body or around her private parts. Learned counsel for the petitioner has submitted that vide order dated 10.02.2025 the petitioner was given a liberty to renew his prayer for bail after three months. Moreover, he is languishing in judicial custody since 08.08.2024.

5. Learned APP appearing for the State has



vehemently opposed the prayer of regular bail and submitted that the victim is minor.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Angarh P.S. Case No. 16 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge (POCSO), Purnia.

(Ashok Kumar Pandey, J)

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