

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39849 of 2025

Arising Out of PS. Case No.-45 Year-2023 Thana- BANKA District- Banka

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Jyotish Kumar S/o Amik Rajak R/o Village- Riga, Police Station- Banka,
District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dara Singh S/o Prayag Singh R/o vill - Baijnathpur, P.s. - Banka, Distt.-
Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv

For the Opposite Party/s : Mr.Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Banka P.S Case No. 45 of 2023 registered for the offences
punishable under Sections 366(A), 504, 506/34 of the Indian
Penal Code and Section 4 of the POCSO Act.

3. As per allegation in the FIR, petitioner along with
the other two accused persons have kidnapped the informant's
minor daughter with intention to marry her.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that petitioner and informant's minor daughter were in



love affair with each other. He further submits that both of them had already married with their own sweet will and after marriage she went to Gujarat and after sometime she got pregnant and returned to her house at Banka. He further submits that compromise petition has also been filed between the parties which is annexed as annexure 3 to the bail petition. It is also submitted that petitioner is in judicial custody since 27.02.2025 having clean antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. Learned informant vehemently opposes the prayer for bail.

7. On perusal of the FIR, entire case diary, statement of the victim and impugned order dated 18.03.2025, it appears that victim has narrated in her statement that she is aged about 19 years and she is married to the petitioner with her own sweet will and left her home voluntarily and now she is pregnant and wants to live with her husband. In this regard, compromise petition has also been filed which is annexed as Annexure-3 which is duly signed by both the parties. So considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner, let the



above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-Cum-Special Judge POCSO, Banka/Successor Court, Banka in connection with Banka P.S. Case No. 45 of 2023.

(Ramesh Chand Malviya, J)

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