

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38530 of 2025

Arising out of PS. Case No.-883 Year-2024 Thana- DIGHA District- Patna

Rajanish Kumar @ Rajnish Kumar, S/o Dhananjay Ram @ Dhananjay Kumar, R/o village- Bhobhi, P.S- Nagarnausha, Dist- Nalanda at Present Mohalla- Karbigahiya, Mithapur, Old Bus Stand, Rajapur, Indra nagar, P.s- Patliputra, Dist- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Santosh Dubey S/o Late Naresh Dubey Resident of Village- Ramji Chak, father Bagicha, Bataganj, P,s- Digha, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate Mr. Dhandev Kumar, Advocate Ms. Isha Mishra, Advocate
For the Opposite Party/s:	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 87, 96, 140(3) of BNS Act, 2023 and Sections 4 and 6 of the POCSO Act. He has no criminal antecedent.

3. As per the prosecution case, the informant has alleged that his minor daughter had gone out of her house and did not return and later he came to know that one of the friends of his brother had taken her away with ill intention.



4. Learned counsel for the petitioner submits that the allegations of kidnapping is palpably false from perusal of 183 BNS statement which was recorded, once she had come back alone. It is further submitted that the victim had categorically stated that she was in a love affair with the petitioner and she had gone out of her own sweet-will with the petitioner and she had performed marriage with the petitioner in a Temple and they stayed together. It is also submitted that nowhere in her statement the victim has alleged that the petitioner had used force against the victim, who is daughter of the informant. It is next submitted that from the evidence on record the age of the victim girl was almost seventeen years while the petitioner himself is aged about nineteen years. It is lastly submitted that the petitioner has no criminal antecedent and he is in custody since 02.12.2024

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel and taking into account the statement of the victim girl recorded under Section 183 BNS, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge (Rape and POCSO Act), Patna in connection with Digha P.S. Case No. 883 of 2024 (Special POCSO Case No. 91 of 2025), subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be de-



layed for purpose of the same or in the name of verification.

(v) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(vi) The petitioner should refrain interaction with the victim girl or the prosecution side.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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