

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39963 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- ALAMNAGAR District- Madhepura

Vikash Bhagat Son of Dinesh Bhagat Resident of village - Alamnagar, P.S.-
Alamnagar, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fuleshwar Singh Son of Late Kokil Prasad Singh R/o Village - Basanbara,
P.S.- Alamnagar, District - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 10-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. In spite of valid service of notice, no one
appears on behalf of the O.P. No.2. Perused the case diary.

2. The petitioner seeks bail in connection with
Alamnagar P.S. Case No. 34 of 2024 instituted for the offences
under Sections 363, 366A, 376 of the Indian Penal Code and
Sections 4/6 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of being involved in kidnapping the informant's
minor daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner was not apprehended on the place of occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye-witness to the alleged occurrence. The victim girl in her statement recorded before the Magistrate has stated that the victim girl has voluntarily left her house and went with the petitioner. There was a love affair between the petitioner and the victim girl and both of them have solemnized their marriage in Shiv Temple. The victim girl in her statement recorded before the Magistrate has not made any allegation of any overt act against the petitioner. Learned counsel for the petitioner further submits that both the parties have compromised the matter and the petitioner is ready to keep the victim girl as his wife with honour and dignity. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.01.2025 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor and the consent of the minor has no meaning in the eye of law. The Investigating Officer, after completion of



investigation, finding the case true has submitted charge-sheet against the petitioner for offence under Sections 363, 366A, 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case and keeping in view the nature of allegation, gravity of the offence as also materials available in the case diary, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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