

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43371 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- DUMRA District- Sitamarhi

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Guddu Kumar S/O Kapildev Rai @ Kapil Ray Resident of Village- Laudih
(Lauhdi), P.S- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar S/O Shambhu Sah R/O Village- Laudih (Lauhdi), P.S-
Dumra, Distt.- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 15-09-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State. However, no one appears on behalf of the

informant/opposite party no.2, though notices have been issued to

him.

2. In the present case, the petitioner seeks bail in

connection with Dumra P.S. Case No. 227 of 2024 registered on

25.05.2024 for the offences under Sections 363 and 365/34 of the

Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the minor daughter of the

informant was enticed away by the petitioner and other co-accused

persons.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case.

No occurrence as alleged in the manner has ever taken place.



Statement of the victim girl was recorded under Section 164 of Cr.P.C. and from the statement it does not appear that the petitioner used any force and coerce the daughter of the informant in running away with him. Moreover, daughter of the informant returned. Learned counsel further submits that FIR has been lodged after delay of 4 days and there is no explanation for the same. In fact the petitioner and daughter of the informant were having love affair and the informant was not ready to solemnize the marriage of his daughter with the petitioner and for this reason daughter of the informant fled away with the petitioner out of her sweet will. The informant was having knowledge of this fact and in order to save his prestige the present case has been lodged. Petitioner is in custody since 09.04.2025 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that specific allegation against the petitioner for enticing away the minor daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the consensual nature of act of the daughter of the informant and also considering the clean antecedent of the petitioner coupled with his period of custody and submission of charge-sheet, the petitioner is



directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi/concerned court in connection with Dumra P.S. Case No. 227 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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 below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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