

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45931 of 2025

Arising Out of PS. Case No.-60 Year-2024 Thana- Balwahat District- Saharsa

Mritunjay Kumar S/O Anil Sada @ Anil Rishidev R/O Village- Basantpur,
Ward No. 4, P.O- Sonpura, P.S- Balbahat (Simari Bakhtiyarpur), Distt.-
Saharsa (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Rishidev S/O Keshav Sada R/O Village- Basantpur, P.S- Balwahat,
Distt.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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

ORAL ORDER

4 22-09-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Balwahat P.S. Case No. 60 of 2024 instituted for the offence
under Sections 363, 366(A) & 34 of the Indian Penal Code and
Sections 8 & 12 of the POCSO Act.

3. As per prosecution case, it is alleged that the
petitioner along with co-accused enticed and took away the
informant's minor daughter.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-08-2024. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is inordinate delay of four days in lodging the FIR. Referring to the statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that victim has performed marriage with the petitioner and she has further deposed that she was not taken away forcibly. As per medical report, doctor has assessed the age of the victim between 17 to 20 years. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no whisper of overt act against the petitioner in the statement of the victim recorded under Section 164 of the Cr.P.C. and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Balwahat P.S. Case



No. 60 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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