

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48204 of 2025

Arising Out of PS. Case No.-69 Year-2024 Thana- Bahera District- Gaya

Mithun Thakur S/o Shambhu Thakur R/o Village- Jolbigha, P.S.- Dobhi,
Distt- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi W/o Rambriksha Mandal R/o Vill- Pathak Bigha, P.S.- Bahera,
Distt- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhash, Advocate
		Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Uday Pratap Singh, APP
For the Informant	:	Mr. Anand Kishore Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 15-10-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

2. In the present case, the petitioner seeks bail in connection with Bahera P.S. Case No. 69 of 2024 for the offence punishable under Sections 137(2), 96 of the BNS, 2023 and section 8 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing and on inquiry the informant came to know that she was taken away by the petitioner with wrong intention.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner never kidnapped the daughter of the informant. There was love affair between daughter of the informant and the petitioner and daughter of the informant eloped with the petitioner. The daughter of the informant was major and she was medically examined her age was assessed by the Medical board to be 18-19 years. Learned counsel further submits that the petitioner is ready and willing to solemnize marriage with the daughter of the informant. Petitioner is having clean antecedent and he is in custody since 03.08.2024. Charge-sheet has been submitted against the petitioner.

5. Learned APP vehemently opposes the prayer for bail of the petitioner and submits that petitioner had committed rape with the minor girl and the victim girl stated about this fact in her statement recorded u/s 183 B.N.S.

6. However, learned counsel appearing on behalf of informant submits that the informant has no objection to grant of bail to the petitioner if he is ready and willing to solemnize marriage with the daughter of the informant.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO-cum- Addl. Sessions Judge-VII, Gaya in connection with Bahera P.S. Case No. 69 of 2024, subject to the conditions mentioned in Section 480 (3) of B.N.S.S. and also 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 court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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