

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56412 of 2025

Arising Out of PS. Case No.-149 Year-2023 Thana- PURAINI District- Madhepura

Abhishek Kumar, aged about 24 years, Male, S/o Bhuto Mehta @ Chandra Kant Mehta, R/o vill - Yogee Raj, P.S.- Puraini, Distt.- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Sushma Devi, W/o Gurudev Mehta, R/o vill - Yogee Raj, Ward No. 6, P.S.- Puraini, Distt.- Madhepura

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate
For the State : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with POCSO Case No. 10 of 2025, Puraini P.S. Case No. 149 of 2023 dated 06.07.2023 registered for the offences punishable under Sections 363, 366, 366A, 376 of the I.P.C. Later on, Sections 4 of the POCSO Act and 9 of the Child Marriage Act were also added.

3. As per the prosecution case, on 23.10.2022 the petitioner and other co-accused persons are alleged to have



kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 23.10.2022 for which complaint case was filed on 14.12.2022 which came to be registered under Section 156(3) of the Cr.P.C. on 06.07.2023 against the petitioner and others and the delay in lodging the complaint has not been explained by the prosecution. It is further submitted that the victim girl was recovered on 16.08.2023 at Fulant Chawk Bus Stand and her statement under Section 161 of the Cr.P.C. was recorded in which she has stated that she loved the petitioner and she out of her own sweet will left the house and on 23.10.2022, she married the petitioner in a Shiv Mandir Temple and thereafter she went with the petitioner and lived in her Sasural. It is further submitted that the victim girl in her statement recorded under Section 164 of the Cr.P.C. has also stated the same thing as stated under Section 161 of the Cr.P.C. It is further submitted that as per the paragraph no. 30 of the case diary, the date of birth of the victim girl is 01.01.2002 on the basis of T.C. of Class-VIII issued by the Headmaster of the School which clearly shows that on the date of occurrence, the victim girl was



major. Thereafter, the parents of the victim girl has produced forged and fabricated T.C. of Class-VIII of the victim girl which shows that her date of birth is 01.01.2007. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 16.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura in connection with POCSO Case No. 10 of 2025, Puraini P.S. Case No. 149 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

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(Chandra Prakash Singh, J)

