

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49066 of 2025**

Arising Out of PS. Case No.-61 Year-2024 Thana- Bharatkhand District- Khagaria

Chhotu Kumar S/o Rabindra Kumar @ Rabin Kuwar Resident of vill-
Jairampur P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi W/o Chandan Rai R/o Vill- Bharatkhand, P.S.- Bharatkhand,
Distt- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Bharatkhand P.S. Case No. 61 of 2024 registered for the

offence under Sections 96, 3(5) of BNS.

3. The petitioner is named in the F.I.R. and is in

custody since 13.11.2024.

4. The allegation against the petitioner is to kidnap

the minor daughter of the informant aged about 13 years

alongwith his family members for the purpose of illicit

intercourse/ marriage with another person.

5. Learned counsel appearing on behalf of the



petitioner submitted that the victim was in love with petitioner and as her relationship was not approved by her parents, he was implicated falsely with present case. It is submitted that after recovery victim recorded her statement under Section 164 of the Cr.P.C. where she completely negate allegation of kidnapping and sexual assault against petitioner, rather stated that she went out of her own sweet will for Purnea, where she resided for two days with petitioner. Arguing further, it is submitted that petitioner remains in custody for 10 months despite for same the matter is pending for examination of prosecution witnesses, and therefore, the trial is not likely to be conclude within prescribed timeline of one years as prescribed under Section 35(2) of the POCSO Act. Petitioner claimed clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that the thrust of allegation is available against petitioner, however, he could not disputed the factual



submissions as advanced by learned counsel for the petitioner as discussed aforesaid.

7. In view of aforesaid factual submission and by taking note of fact as victim *prima-facie* negate the allegation of kidnapping and sexual assault against petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 13.11.2024, accordingly petitioner above named, is directed to be released on bail in connection with Bharatkhand P.S. Case No. 61 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, Khagaria /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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