

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48268 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- BARAHAT District- Banka

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Anand Kumar @ Aanand Kumar S/o- Parmeshwar Shah Resident of Village-
Kurwa, Po- Chandraseli, Ps- Khaira, Tola Bhim, Dist- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumar Singh Son Of Hira Prasad Singh Resident of Village-
Haripur, P.S- Barahat , District- Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

2. Despite receipt of notice, there is no representation
on behalf of the opposite party no. 2.

3. In the present case, the petitioner seeks bail in
connection with Barahat P.S. Case No. 131 of 2025 for the
offence punishable under Section 96 of B.N.S. and u/s 8/12 of
the POCSO Act.

4. As per prosecution case, the niece of the informant
went missing and informant came to know that the petitioner
enticed her away giving inducement of marriage.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. There is contradictory statement of victim girl recorded



under sections 180 and 183 of the B.N.S. and in her deposition before learned trial court. Though in her statement recorded u/s 183 B.N.S., she stated about being in love with petitioner and solemnizing marriage with the petitioner and returning after lodging the case. In her statement recorded u/s 183 B.N.S., she reiterated this fact but stated that the petitioner established physical relationship making a fool of her. However, in her deposition before learned trial court, the victim girl completely denied the prosecution story and she even refused to identify the petitioner. In his deposition, informant in cross-examination stated that his niece did not make any complaint against this petitioner and the petitioner did not entice her away. Learned counsel further submits that the parties have entered into compromise and the informant side had no grievance against the petitioner, learned counsel further submits as the informant and the victim, both did not support the prosecution case, no useful purpose would be served in keeping the petitioner in custody. Petitioner has no criminal antecedent and he is in custody since 05.05.2025. Charge-sheet has been submitted.

6. Learned APP vehemently oppose the prayer for bail of the petitioner.

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 Additional Sessions Judge-6-cum Spl. Judge, POCSO, Banka, in connection with Barahat P.S. Case No. 131 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS 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)

Ranjeet/-

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