

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54668 of 2025

Arising Out of PS. Case No.-294 Year-2025 Thana- MAJHAULIA District- West Champaran

Vyas Kumar S/o Murari Das Vill.- Dhankutwa, PS- Majhauria, Distt.- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Kailash Mahto S/o Ramjit Mahto Vill.- Baghampur, Ward No. 10, PS- Majhauria, Distt.- West Champaran

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Advocate

For the Opposite Party/s : Mrs.Renuka Ratnakar (APP 125)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-11-2025 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Majhauria P.S. Case No. 294 of 2025 registered for the offences under Sections 87, 137(2), 352 & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 4 & 6 of the POCSO Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 20.05.2025.

4. Allegation against the petitioner is to kidnap the daughter of the victim, who is 18 years, and also to commit sexual assault upon her.



5. It is submitted by learned counsel appearing on behalf of the petitioner that during course of investigation, the statement of the victim was recorded under section 183 of the B.N.S.S. where she categorically stated that she out of her own will, visited the house of petitioner on 17.05.2025, whereafter she again returned to her parental home, but again she went to the house of petitioner on next morning, from where she was apprehended by police. It is submitted that she was in love with this petitioner for last two years prior to lodging this FIR. The victim completely negate the allegation of kidnapping and sexual assault.

6. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. In view of aforesaid factual submission and by taking note of the fact as the victim completely negate the



allegation of kidnapping and sexual assault *qua* petitioner, coupled with the fact that investigation of this case is already completed, where even as per FIR, age of the victim appears disclosed 18 years, accordingly, the petitioner above-named, who is a man of clean antecedent, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-6th-cum-Special Court, POCSO, Bettiah, West Champaran/concerned court, in connection with Majhauriya P.S. Case No. 294 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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