

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50246 of 2025

Arising Out of PS. Case No.-31 Year-2023 Thana- SOHSARAI District- Nalanda

Chhotu Kumar @ Vivek Kumar S/O Late Saroj Prasad Resident of Mohalla-
Patelnagar (Renter of Dilip Saw's house) P.S.- Sohsrai, District- Nalanda

... .. Petitioner

Versus

1. The State Of Bihar
2. Mother of the Victim D/O Akhilesh Prasad R/O Vill.- Neosa, P.S.- Harnaut,
Dist.- Nalanda, At Present Resident of Patelnagar (Renter of Dilip Saw's
house) P.S.- Sohsrai, District- Nalanda

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Despite service of notice, none appeared on

behalf of the informant/O.P. No.2.

3. The accused/petitioner seeks bail in connection

with Sohsarai P.S. Case No. 31 of 2023 registered for the

offences under Sections 363, 366A, 341 of the Indian Penal

Code and section 8 & 12 of the POCSO Act.

4. The accused/petitioner is named in the First

Information Report and is in custody since 09.08.2024.

5. Allegation against the petitioner is to kidnap the



minor daughter of the informant aged about 15 years for the purpose of illicit intercourse/marriage with another person.

6. It is submitted by learned counsel appearing on behalf of the petitioner that the victim daughter of the informant was in love with petitioner and, therefore, she left her parental home out of her own sweet-will and accompanied petitioner up to Patna, where she stayed in a rented house for about two months. It is submitted that initially the dispute was raised but subsequently same was compromised after which victim was living with in-laws, parents of this petitioner.

7. While concluding argument, it is submitted that statement of victim was recorded before the learned trial court as PW-2, where she completely denied the occurrence or any allegation as raised against this petitioner and, therefore, keeping this petitioner behind the bar for any further period would not serve any purpose of law. However, petitioner claimed to be a man of clean antecedent.

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

9. In view of aforesaid factual submission and by



taking note of the fact as victim failed to support the allegation while examined before the learned trial court as PW-2 *prima facie* created a doubt *qua* occurrence, coupled with the fact that trial of this case is not likely to conclude in near future in view of preferred timeline of Section 35(2) of the POCSO Act, where petitioner remains in custody since 08.09.2024, accordingly, above-named petitioner 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 7th District Judge-cum-Special Judge, POCSO, Bihar Sharif, Nalanda/concerned court, in connection with Sohsarai P.S. Case No. 31 of 2023, 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)

Rajeev/-

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