

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53791 of 2025

Arising Out of PS. Case No.-320 Year-2024 Thana- TARAPUR District- Munger

Joshnan Kumar S/o Shankar Yadav R/o Village- Madhura, PS- Tarapur, Distt-
Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Pinku Yadav R/o vill - Madhura, P.S.- Tarapur, Distt.- Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate
For the State : Mr. Pronoti Singh, APP
For the Informant : Mr. Braj Bhushan Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 28-11-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 96 of the B.N.S. and
Section 8 of the POCSO Act.

3. The allegation in the first information report is
that the daughter of the informant was found missing and it was
alleged that a boy used to call from his mobile on the
informant's mobile and hence, the suspicion was raised.

4. Learned counsel for the petitioner submits that
the first information report has been lodged after delay of more
than 48 hours inasmuch as while occurrence took place on
30.11.2024, the F.I.R. was lodged on 02.12.2024. It has further



been submitted that during the course of investigation the police found that the victim had reached her house and upon enquiry, she disclosed that she had eloped with Joshan Kumar i.e. the petitioner to his maternal home at Munger, however the statement of the victim under Section 180 of the B.N.S.S. recorded in paragraph 30 of the case diary also indicates that she had left her house on her own will without informing anyone at her house. However, subsequently the statement of the victim girl was recorded under Section 183 of the B.N.S.S. where there was a change in her statement but any how she has still made a categoric statement that she had stayed at the maternal home of the petitioner and there was no ill-treatment with her. The petitioner is a young boy aged about 23 years who is in custody since 05.04.2025 having clean antecedent.

5. Learned APP for the State and learned counsel for the informant opposed the grant of bail on the ground that the victim was kidnapped by the petitioner as also on the ground that the trial has proceeded and three witnesses have been examined.

6. Taking into consideration the rival contentions and also considering that there is there is variance in the statements recorded under Sections 180 and 183 of the



B.N.S.S. and even in her statement recorded under Section 183 of the B.N.S.S. she stated that no assault much less a sexual assault was made upon her and coupled with the fact that the petitioner is in custody since 05.04.2025 with no criminal antecedent, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO Act-cum-District and Additional Session Judge VI, Munger /concerned Court below in connection with Tarapur P.S. Case No. 320 of 2024 subject to condition that:-

(i) The petitioner shall remain physically present in Court on each and every date in the on going trial and in case of his absence on any date, his bail bonds shall be liable to be cancelled by the learned Court concerned.

(Soni Shrivastava, J)

anand/-

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