

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54774 of 2025

Arising Out of PS. Case No.-309 Year-2025 Thana- RAJAOLI District- Nawada

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Pawan Kumar @ Amit Kumar S/o Raghuvir Das R/o Village- Herodih, PS-
Rajauli, Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bachu Das S/o Late Hari Ravidas R/o vill - Herodih, Post - Chamotha, P.S.-
Rajauli, Distt.- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Ashok Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 15-12-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Rajauli
P.S. Case No. 309 of 2025, instituted for the offences punishable
under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 and
later on Sections 4 and 6 of the POCSO Act was added.

3. The prosecution case, in short, is that the petitioner
has kidnapped informant's daughter for the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.



Learned counsel for the petitioner also submits that there is delay of six days in lodging the FIR. The allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that statement of the victim has been recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in which she has not supported the prosecution case and has stated that she has voluntarily eloped with the petitioner on her own will. The petitioner is in custody since 25.06.2025 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation levelled against the petitioner of kidnapping informant's minor daughter for the purpose of marriage. It is next submitted that in the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 she has stated that the petitioner has made physical relationship with the victim with her consent. It is further submitted that since the victim is a minor girl, her consent has no meaning in the eye of law. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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