

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55273 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- AMJOR District- Rohtas

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Brikesh Kumar S/o- Fagu Paswan @ Fagu Ram R/vill- Panjar, P.S.-Kargahar
@ Karahagar Distt-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuber Pathak, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is in custody in connection with Amjhor P.S. Case No. 21 of 2025 for the offence punishable under Sections 137(2) and 87 of the Bhartiya Nyaya Sanhita lodged on 17.03.2025 by the informant, Reena Kuwar.

3. As per the prosecution story, the informant alleged that her daughter left the home but failed to return. Even after search, she could not be traced. As the story unfolds, it was found that she moved alongwith the petitioner, brought back and made statement that as the parents were trying to fix her marriage with an elderly person, she left her house alongwith the petitioner, went out of the village and married him. The Police investigated the matter and submitted charge-sheet, amongst other, under the Protection of Children from Sexual



Offences Act, 2012 (POCSO Act) but the learned POCSO Court found the same to be untrue so far as POCSO Act is concerned and the same was dropped.

4. Learned counsel for the petitioner submits that a perusal of the learned Sessions Judge order would show that the girl had moved on her own, the petitioner has no role to play but is in custody since 24.03.2025 having no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the document shows that she was not major.

6. Taking into account the submission of the parties as also the development that has taken place coupled with the fact that the POCSO Act has been dropped, the petitioner is a young boy of twenty years having no criminal antecedent and is in custody since 24.03.2025, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Dehri on Sone, Rohtas in connection with Amjhor P.S. Case No. 21 of 2025 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to remind the learned Additional Sessions Judge-II, Rohtas at Sasaram that the short form of the said act is POCSO Act and not POSCO Act which may be inadvertently or due to typographical error has been incorporated in the order.

(Rajiv Roy, J)

Adnan/-

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