

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56576 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- BARIYARPUR District- Munger

Sumit Kumar, S/o Late Gainu Yadav @ Ganesh Yadav, resident of Village-
Raman Kabad, P.S.- Haveli Kharagapur, District- Munger

... .. Petitioner

Versus

1. The State of Bihar
2. Amod Kumar, S/o- Jagdish Prasad Yadav, resident of Village-Kanya Madhya
Vidyalaya Pariya, P.S.- Bariyarpur, Dist-Munger

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Deep Anshuman, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-11-2025 Heard learned counsel for the petitioner
and learned Additional Public Prosecutor for the
State.

2.The accused/petitioner seeks bail in
connection with POCSO Case No. 36 of 2025
arising out of Bariyarpur P.S. Case No.231 of 2024
registered for the offences punishable under
Sections 137(2), 96, 64(1), 87 read with 3(5) of the
Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as
well as Sections 4 and 6 of the Protection of
Children from Sexual Offences Act (in short 'POCSO
Act') was added later on.

3.The accused/petitioner is named in the



FIR and is in custody since 31.05.2025.

4. Allegation against petitioner is to kidnap the minor daughter of informant aged about 19 years for the purpose of illicit intercourse/marriage. However, during the course of investigation, as per school certificate, the victim found minor and, therefore, the charge-sheet submitted in this case under POCSO Act.

5. It is submitted by learned counsel that petitioner has been implicated in this case out of land dispute. It is also pointed out that victim negate the allegation of kidnapping and also *qua* penetrative sexual assault/rape against this petitioner while recording her statement under Section 183 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'BNSS').

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact, as victim has negated the allegation of kidnapping and sexual assault against petitioner, coupled with the fact that



investigation of this case is already completed, where petitioner remains in custody since 31.05.2025, accordingly, the petitioner, above-named, is directed to be released on bail 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 in connection with POCSO Case No. 36 of 2025 arising out of Bariyarpur P.S. Case No.231 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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