

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56419 of 2025

Arising Out of PS. Case No.-155 Year-2023 Thana- SABAUR District- Bhagalpur

Balbir Kumar Mahto @ Balbeer Kumar S/o Late Dinesh Mahto R/o Village-
Mahesha Munda, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. Champa Devi W/o Bilash Mandal R/o Village- Shalpur, P.S.- Goradih,
District- Bhagalpur (Informant)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 28-11-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State. Despite valid service of the notice no one

appears on behalf of the O.P. No. 2.

2. In the present case, the petitioner seeks bail in
connection with Sabour (Goradih) P.S. Case No. 155 of 2023
registered for the offences under Sections 366(A), 120(B), 34 of
the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation in the first information report is that
the daughter of the informant was kidnapped by the petitioner
Balbir Kumar Mahto with the aid of others.

4. Learned counsel appearing on behalf of the
petitioner submits that it would be apparent from the narration

of the first information report itself that there was a love relationship between the daughter of the informant and the petitioner as they used to talk secretly over the telephone and even on the date of the occurrence it has been stated that the petitioner was standing with a tempo and both of them were seen to have left together. This narration is indicative of the fact that there was no threat or coercion upon the victim and no force was used upon her rather she voluntarily left along with the petitioner. The victim herself appeared before the police station along with her mother and sister and got her statement recorded under Section 161 CrPC in paragraph 65 of the case diary. Statement of the victim under Section 164 CrPC was also recorded in paragraph 68 of the case diary wherein she has stated a different story of having been forcibly taken to Ludhiana. It is further submitted by the learned counsel for the petitioner that it has nowhere been stated that while travel, victim has raised any sort of resistance or alarm or made any effort to free away from the captivity of the petitioner, which is suggestive of the fact that the statement given by the victim subsequently after the recovery is a tutored one. The petitioner, who is a young boy having no criminal antecedent, is in custody since 23.03.2025.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Taking into consideration the facts and circumstances and also considering the fact that the petitioner, who is a young boy, has remained in custody since 23.03.2025 and the charge-sheet has been submitted and the FIR discloses a love relationship between the petitioner and the victim, coupled with the fact that the medical evidence is also not indicative of any sexual assault, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO cum 7th Additional District and Sessions Judge, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 155 of 2023, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court concerned. In case of absence on two consecutive dates or in violation of the

terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Soni Shrivastava, J)

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