

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62092 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- TARIYANI CHOWK District- Sheohar

Deeplal Kumar S/o- Sri Chandra Shani @ Srichan Sahni Resident at village-
Mohari PS- Tariyani District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/o- Ram Sagar Sahani Resident at village- Mohari W.No-12,
PS- Tariyani District-Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No. II, Advocate Ms. Priyanka Kumari, Advocate Mr. Dilip Kumar Mishra, Advocate
For the State	:	Mr. Nand Kumar, APP
For the O.P. No. 2	:	Mr. Niraj Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the opposite

party no. 2.

02. In the present case, the petitioner seeks bail in connection with POCSO Case No. 41 of 2025 arising out of Tariyani P.S. Case No. 38 of 2025 registered for the alleged offences under Sections 137(2), 96, 3(5) of Bharatiya Nyaya Sanhita, 2023 in which charge-sheet has been submitted under Sections 137(2), 96, 64 of BNS and Section 4 and 6 of the POCSO Act.

03. As per prosecution case, the petitioner enticed



away the minor daughter of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The victim girl was recovered and her statement was recorded under Sections 180 and 183 of BNSS. In her statement, she categorically stated that she was in love with the petitioner and solemnized marriage with him on 18.02.2025. The victim girl was produced for medical examination but she and her parents refused for medical examination. In her statement under Section 183 BNSS, the victim girl stated that he was in love with the petitioner and as her parents were going to marry her with another person, so she went out with the petitioner and no one kidnapped her. Learned counsel further submits that charge-sheet has been submitted and the learned trial court took cognizance for offence under Sections 137(2), 96 and 64 of BNS and also for offence under Sections 4 and 6 of the POCSO Act against the petitioner. The petitioner is in custody since 30.06.2025 and is having no criminal antecedent.

05. Learned APP for the State as well as learned counsel appearing on behalf of opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the minor



daughter of the informant was taken away by this petitioner and her consent is immaterial. Learned counsel further submits that the daughter of the informant has again went missing and perhaps this petitioner is involved in her missing.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, Sheohar/court concerned in connection with POCSO Case No. 41 of 2015 arising out of Tariyani P.S. Case No. 38 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the 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 below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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