

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64222 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- CHHATAPUR District- Supaul

Rupesh Kumar, S/o Surendra Yadav, R/O Village- Ghivaha, Ward No. 02, P.S-
Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonawati Devi, W/o Ramanand Yadav, R/O Village- Ghivaha, Ward No. 02,
P.S- Chhatapur, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.
For the State : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-09-2025 1. Heard Mr. Vijay Anand, learned counsel for the
petitioner and Mr. Binod Kumar No.3, learned APP for the
State.

2. The petitioner seeks regular bail in connection with
POCSO Case No. 84 of 2025 arising out of Chhatarpur P. S.
Case No. 58 of 2025, dated 01.03.2025 registered for the
offences punishable under Sections 137(2), 96, 351(2) and 3(5)
of the B.N.S.

3. The main submissions advanced by the petitioner's
counsel are that though in this matter the cognizance of the
offences punishable under the POCSO Act has been taken by
the Special Court along with other offences under the Indian



Penal Code but all these offences including the offences under POCSO Act do not clearly get attracted against this petitioner as according to the so-called victim's Aadhar Card, which records her date of birth as 01.01.2006, making her a major on the date of alleged occurrence as the alleged occurrence is said to have taken place on 22.02.2025 and in fact, the so-called victim has entered into marital relationship with this petitioner and the said relation has been accepted by her before the investigating officer as well as before Judicial Magistrate while recording her statements under Section 180 and 183 of the B.N.S.S. respectively. It is further submitted that before entering into marital relationship with this petitioner the co-called victim's marriage had been solemnized with one namely, Chandan Kumar but later on the matrimonial relation in between them deteriorated and consequently victim's first husband Chandan Kumar filed an informatory application before S.D.O. Trivenkganj, Supaul making allegations against the victim and also raising a question against her character, a copy of which has been filed as Annexure-P/2. It is lastly submitted that the so-called victim, who now happens to be the wife of this petitioner is presently residing in the petitioner's house as his wife. The petitioner has been languishing in jail since 27.05.2025 and



against him the investigation has been completed. It is further submitted that the petitioner bears no criminal antecedent.

4. Though, the learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepts that as per the Aadhar Card of the victim submitted by the petitioner, the so-called victim's age can be deemed to be 19 years at the time of commission of alleged occurrence.

5. Considering the aforesaid submissions advanced by the petitioner's counsel and taking into account the petitioner's custody period and the completion of investigation against him, this court is inclined to release him on bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with POCSO Case No. 84 of 2025 arising out of Chhatarpur P. S. Case No. 58 of 2025, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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