

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68953 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Sanoj Kumar Son of Dipnaryan Mahato R/o Village - Suhath, Ward no. -05,
P.S. - Sour Bazar, Dist. - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Dilip Chaudhary R/o Bhartiya Nagar, Ward No. 26/35,
P.S. and Dist. - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate Mr. Ashok Kumar, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Subesh Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 55 of 2025, arising out of Saharsa Sadar P.S.
Case No. 163 of 2025 instituted for the offence under Sections
137(2), 96, 3(5) & 65(1) of the Bharatiya Nyaya Sanhita, 2023,
Sections 4 & 6 of the POCSO Act and Sections 3(1)(r)(s) of the
SC/ST Act.

3. Prosecution case in a nutshell is that the petitioner
along with co-accused person kidnapped the informant's minor
daughter for wrongful purpose.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.04.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that the petitioner never kidnapped or induced the victim girl; rather, as per her own statements under Sections 180 and 183 BNSS, 2023, she voluntarily left her parents' house due to repeated assault, travelled alone to Delhi, married the petitioner on her own free will, lived with him there, and even on being apprehended at Saharsa expressed her desire to stay with him and not with her parents. The medical report also finds no external injury or presence of spermatozoa, indicating no force or assault.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Charge sheet has already been submitted in this case under Sections 137(2), 96, 3(5) & 65(1) of the BNS, 2023, Sections 4 & 6 of the POCSO Act and Sections 3(1)(r)(s) of the SC/ST Act. Victim is minor, hence, petitioner does not



deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case and taking into account the fact that victim is minor and charge sheet is submitted in this case Sections 137(2), 96, 3(5) & 65(1) of the BNS, 2023, Sections 4 & 6 of the POCSO Act and Sections 3(1)(r)(s) of the SC/ST Act, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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