

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69445 of 2025

Arising Out of PS. Case No.-422 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

Uchit Kumar, aged about 32 years, Male, Son of Jairam Malakar, Resident of Village - Manjhosh, P.S. - Makhdumpur, District – Jehanabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. S, aged about 30 years, Female, Wife of V, Resident of Village - Mugal Bigha, P.S. - Makhdumpura, District – Jehanabad (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Advocate
		Ms. Leelawati Kumari, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP I/C

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 17-12-2025 Heard learned counsel for the petitioner, learned APP for the State but nobody appears on behalf of Opposite Party No. 2.

2. The petitioner seeks bail in connection with Makhdumpur P.S. Case No. 422 of 2025 instituted for the offences punishable under Sections 96, 82(1). 64(1) of the BNS, 2023 and Sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, the daughter of the informant was abducted by the petitioner for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere



suspicion. He submits that petitioner is not named in the FIR and has been implicated in this false case on the basis of suspicion for kidnapping the victim for the purpose of marriage. He further submits that except the aforesaid allegations, nothing has been alleged against the petitioner. He next submits that the informant is not the eye witness of the alleged occurrence. He lastly submits that during course of investigation, no independent witnesses have been examined rather the witnesses examined are family members of the informant. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 21.06.2025.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR, case diary, statement of the victim recorded under Section 183 of the BNSS and the impugned order of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Jehanabad dated 25.08.2025, it appears that petitioner is not named in the FIR and his name transpired in this case during the course of investigation on the basis of suspicion. From perusal of the records, it appears that on the basis of written report of the informant, FIR has been registered under Sections 96, 82(1). 64(1) of the BNS, 2023 and



Sections 4 and 8 of the POCSO Act and the allegation is that the daughter of the informant was abducted by the petitioner for the purpose of marriage. During investigation the victim was recovered and her statement was recorded under Section 183 of the BNS by the Magistrate wherein she stated that the accused-petitioner and the victim got married but in the entire statement nothing has been stated with regard to any forceful sexual relation with the present petitioner. It also appears that in her deposition the victim's age has been assessed as 17½ years. In her deposition she stated that she voluntarily solemnized the marriage and living as husband and wife with the petitioner. It also appears that both parties has amicably settled the issue and filed a compromise petition before the learned Additional Chief Judicial Magistrate-1st, Jehanabad. A copy of the said compromise petition is annexed as Annexure-3, which is on record, so considering all these aspects of the case and submissions of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned



Additional Sessions Judge-VI-cum-Special Judge (POCSO),
Jehanabad, Bihar in connection with Makhdumpur P.S. Case
No. 422 of 2025.

(Ramesh Chand Malviya, J)

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