

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72671 of 2025

Arising Out of PS. Case No.-57 Year-2022 Thana- MAHILA P.S. District- Samastipur

Rahul Kumar @ Rahul Mahto, S/o Harku Mahto @ Hakru Mahto, R/o
Village-Malti, Bhagwanpur desua, P.S.- Ujiarpur, District- Samastipur
... .. Petitioner

Versus

1. The State of Bihar
2. Ayasha Khatoon, W/o Late Md. Naseem (Informant), R/o Village-Malti,
P.S.- Ujiarpur, District- Samastipur
... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Mahila P.S. Case No.57 of 2022 registered for the offences punishable under Sections 376-DA, 376-D, 368, 372, 373, 376 of the Indian Penal Code as well as Sections 3, 4, 5, 6, 7, 8, 10, 12, 16 and 18 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').

3. The accused/petitioner named in the FIR and is in custody since 07.09.2025.

4. Allegation against the petitioner is to kidnap the minor daughter of informant on point of gun. The informant



raised apprehension that they might sell for the purpose of prostitution. The present FIR appears to be lodged on the basis of Complaint Case No.135 of 2022 as preferred before Additional Sessions Judge-VIII, Samastipur.

5. It is submitted by learned counsel appearing for petitioner that daughters of complainant was in love with this petitioner and as both belongs to different religion, the present false implication was raised and this fact can be gathered from the statement of victim girl recorded under Sections 161 as well as under Section 164 of the Code of Criminal Procedure (in short 'CrPC'), where she categorically stated that she out of her own will solemnize the marriage with petitioner and living happy married life. It is submitted that now the matter appears compromised. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of statement of victim



recorded under Sections 161 and 164 of the CrPC, where she completely denied the occurrence of kidnapping and sexual assault rather she stated that she out of her own will solemnize her marriage with petitioner and living happily as wife and husband, coupled with the fact that petitioner remains in custody since 07.09.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur in connection with Mahila P.S. Case No.57 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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