

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79239 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Rakesh Kumar Son of Raju Yadav Resident of Village-Nurdiganj, Soda
Godown, Police Station- Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Verma Son of Late Rajeshwar Prasad Resident of Village-
Lal Imali, Chhoti Masjid, Police Station- Chowk, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jay Ram Prasad, Adv.
For the Opposite Party/s	:	Mr.Pranav Kumar, APP
For the O.P. No.2	:	Mr. Mukesh Kumar, Adv.

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

ORAL ORDER

6 24-02-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 209 of 2024 arising out of Chowk P.S. Case
No. 228 of 2024 instituted for the offences under Sections 363,
354, 366 of the Indian Penal Code and Section 8 of the POCSO
Act.

3. As per prosecution case, the accusation against the
petitioner is of abducting the Complainant's 17-year-old minor
daughter under the pretext of marriage.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. and his name has transpired in this case during investigation. The date of occurrence is 14.05.2024 but the F.I.R. was registered on 15.05.2025 without there being any plausible explanation for such delay which creates doubt in the prosecution case. There was a love-affair between the petitioner and the victim girl. The victim girl in her statement recorded under Section 161 Cr.P.C. has stated that she solemnized marriage with the petitioner on her own will and lives with the petitioner as husband and wife. Thus, the victim girl has not made any allegation of any overt act against the petitioner. There is no medical report as the victim girl has refused for medical examination. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 366(A) of the I.P.C. and Section 8 of the POCSO Act and thereafter cognizance has also been taken by the learned court below. Charge has also been framed under Sections 363, 366, 376 of the I.P.C. and Sections 4 & 6 of the POCSO Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.05.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is a minor. In the 161 Cr.P.C. statement, the victim girl has stated that the petitioner took her to Biharsharif under the pretext of marriage.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Special POCSO Case No. 209 of 2024 arising out of Chowk P.S. Case No. 228 of 2024.

(Rudra Prakash Mishra, J)

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