

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77900 of 2024

Arising Out of PS. Case No.-395 Year-2024 Thana- RAJAON District- Banka

Chhotu Kumar Son of Late Satya Narayan Singh Resident of Village - Mahgama, P.S. - Rajoun, (Nawada), District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhathu Prasad Singh Son of Mahadeo Prasad Singh Resident of Village - Mahgama, P.S. - Rajoun, (Nawada), District - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Swapnil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 05-02-2025 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 Rajoun (Nawada) P.S. Case No. 395 of 2024 instituted for the offence under Sections 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 & 12 of the POCSO Act.

3. As per prosecution case, accusation against the petitioner is of eloping with the daughter of the informant for the purpose of marriage.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03-09-2024. 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 referring to the statement of the victim recorded under Section 183 of the BNSS, 2023 has stated that there is no whisper of sexual assault against the petitioner and she had gone with the petitioner on her own volition. From bare perusal of the same, it would reveal that there is no element of "enticing away" or "taking away" as envisaged under Section 137(B) of the BNSS, 2023 to constitute offence under Section 96 of the BNS, 2023. Victim has refused for her medical examination. Petitioner has become the victim of the circumstances.

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 and contended that victim is minor, hence her consent is not valid in the eye of law. Police after investigation has submitted charge sheet in this case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner 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 Rajoun (Nawada) P.S. Case No. 395 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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