

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78956 of 2024

Arising Out of PS. Case No.-300 Year-2024 Thana- NAUTAN District- West Champaran

Kamaljit Thakur @ Dhanjit Kumar S/O Kashi Thakur R/O Village-
Baikunthwa Dabariya, P.S.- Nautan, Distt- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Devi Wife of Rajesh Paswan R/O Vill.- Mangalpur Kala, P.S.-
Nautan, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, APP
For the Informant	:	Mr. Vatsal Verma, Adv.

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

ORAL ORDER

3 28-01-2025 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 Nautan
P.S. Case No. 300 of 2024 instituted for the offences under
Sections 363, 366A of the Indian Penal Code and Section 8 of
the Protection of Children from Sexual Offences (POCSO) Act.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping the minor victim and eloping with
her to Gujrat for the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the date of occurrence is 20.05.2024 but, the F.I.R. was lodged on 19.08.2024 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 183 B.N.S.S. has not supported the case of prosecution of kidnapping rather has stated that she, on her own will, left the house and went to Gujarat where she performed marriage with the petitioner. He further submits that neither the petitioner enticed away the victim nor has solemnized marriage with the victim in accordance with law. He has also not established any physical relationship with her as a wife and husband. The medical report also not supports the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.08.2024 without any rhyme or reason. Learned counsel for the petitioner lastly submits that though the medical report does not support the prosecution case but, in spite of that, the charge-sheet has been submitted against the petitioner under Sections 363, 366(A), 376 of the I.P.C., Section 04 of the POCSO Act and Section 3(2)(v-a) of the SC/ST (POA) Act.

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.

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, medical report not supporting the prosecution case as also keeping in mind the statement of the victim recorded under Section 183 of the B.N.S.S., 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 Nautan P.S. Case No. 300 of 2024.

(Rudra Prakash Mishra, J)

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