

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76714 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- KOTWA District- East Champaran

Sandeep Kumar S/O Ramchandra Patel @ Ramchandra Raut R/O Village- Hemanchhapra, Baraharwaa Kala, P.S- Kotwa, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi W/O Late Pankaj Shukla R/O Village- Hemanchhapra, P.S- Kotwa, District- East Champaran at Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Adv.
For the State	:	Mr.Md. Ataur Rahman, APP
For the O.P. No.2	:	Mr.Abhijeet Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 By means of this bail application, petitioner, who is involved in connection with Kotwa P.S. case no.113 of 2025, registered for the offences punishable under Section 87 of B.N.S., 2023 and sections 8 and 12 of the POCSO Act, seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor representing the State and learned counsel for the O.P. No.2.

3. As per prosecution case, in brief, the complainant who is the mother of victim got a First Information Report lodged on 28.03.2025 against five accused persons namely Ramchandra Patel, the wife of Ramchandra Patel, Sandeep



Kumar (petitioner), the daughter of Ramchandra Patel and the son-in-law of Ramchandra Patel, stating *inter alia* that on 25.03.2025 at about 9:00 O'clock, when her minor daughter had gone to take examination, she was enticed away by the accused persons.

4. The main substratum of the argument of learned counsel for the petitioner is that petitioner is innocent and has been falsely implicated in this case. In fact, the victim is major but the Investigating Officer did not make any effort for getting her ossification test conducted. Much emphasis has been given by contending that the alleged victim and the petitioner were very much known to each other since long and on account of love affairs, victim was inclined to marry with petitioner. It is further submitted that when victim was recovered, her statement under Section 183 of the B.N.S.S. was recorded, in which, she has stated *inter alia* that on 25.03.2025, she fled away with the petitioner and went to Delhi and then they returned back to Muzaffarpur where she remained with the petitioner. On the strength of said statement of victim, it is further argued that the facts and circumstances clearly indicate that the victim herself left her house and has gone voluntarily with the petitioner. The petitioner has got no criminal history to his credit. Lastly, it is



submitted that petitioner is languishing in jail since 09.10.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R. by contending that as per school certificate of victim, she is minor.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that victim had travelled with the petitioner from East Champaran to Delhi and then returned back with the petitioner to Muzaffarpur but she did not rise any alarm while travelling with the petitioner. The Investigating Officer did not get the ossification test of the victim conducted to ascertain her actual age. There is delay of three days in lodging the F.I.R., which casts doubt about the prosecution case. Petitioner is languishing in custody since 09.10.2025. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is



danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 09.10.2025 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the



petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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