

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80198 of 2024**

Arising Out of PS. Case No.-128 Year-2024 Thana- BARAULI District- Gopalganj

Pawan Kumar son of Chhathu Ram Village- Ratan Sarai, Balua Tola, P.S.-  
Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Natraj Verma, Advocate  
Mr. Sachina, Advocate  
For the Opposite Party/s : Mr. B.N. Pandey, APP  
For the Informant : Mr. Jawed Aslam, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

4      27-03-2025                      Heard Mr. Natraj Verma, learned counsel for the  
petitioner, Mr. B.N. Pandey, learned APP for the State and Mr.  
Jawed Aslam, learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case  
registered for the offence punishable under section 363, 366A  
and 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner has  
kidnapped the minor daughter of the informant for the purpose  
of marriage.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He has  
falsely been implicated in this case. During the course of  
investigation, the victim was recovered and she has given her



statement recorded under Section 183 of B.N.S.S. wherein she has stated that her mother has beaten her. She left her house and went to Barauni for filling the registration of class 11 and from there, she went to Siwan and from Siwan, she went alone to Delhi. She further stated that from Delhi, she went to Panipat with the petitioner and solemnized marriage with him on her own will. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 02.09.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail. Learned counsel for the informant has submitted that in this case, charge sheet has been filed under Section 376 of IPC as well and Section 4 of POCSO Act. Charges are also framed in those sections.

6. From perusal of the diary, it transpires that the victim has nowhere stated that she was raped or any kind of physical relationship was established with her by the petitioner. Despite that, I.O. has filed charge sheet under Section 376 of IPC and it seems that on the basis of the charge sheet, cognizance has been taken in those sections and charges are also framed in those sections. While taking cognizance, the Court



must appreciate the material available in case diary. Court should not in any way be influenced by the findings of I.O. rather he should independently appreciate the materials on record.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barauli P.S. Case No. 128 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Gopalganj.

**(Ashok Kumar Pandey, J)**

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