

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81750 of 2024

Arising Out of PS. Case No.-267 Year-2024 Thana- MADANPUR District- Aurangabad

Nitesh Bhuiya @ Nitesh Kumar @ Nitesh Bhuiyan S/o- Indradeo Bhuiya
Resident of Village- Cheyi Police Station- Salaiya District- Aurangabad Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Janeshwar Bhuiyan S/o- Late Chandu Bhuiyan Village- Cheyi PS-Salaiya
Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Kant Mishra, Adv.
For the State	:	Mr. Abhay Kumar Roy, APP
For the informant	:	Mr. Madhuresh Singh
		Mr. Dipak Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madanpur P. S. Case No. 267 of 2024 dated 15-07-2024,
instituted for the offence punishable under Sections 137(2), 96
of the B. N.S. Act, 2023 but charge sheet has been submitted
under Sections 137(2), 96 of the B. N. S and Sections 8/12 of
the POCSO Act.

3. The prosecution case in short that on 12-07-2024
the daughter of the informant went to attend the marriage of son
of Suryan Bhuiyan near Umga Temple, but she did not return.
During search, they heard that petitioner enticed away her



daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that FIR has been lodged merely on the basis of suspicion. During investigation, daughter of the informant returned herself and recorded her statement under Section 164 of the Cr PC before the Magistrate, stating therein that she herself fled from her house and went with petitioner and solemnized marriage with him in Ubhanga temple. Thereafter, she went to Delhi and stayed with him for one month and thereafter she returned. There is no whisper about any wrong act committed by the petitioner. The petitioner is in custody since 25-08-2024 having no criminal antecedents.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail and submitted that the victim girl is aged about 15 years, as per her School Certificate, and as such, the petitioner does not deserve bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of the learned Additional Sessions Judge-VI-



cum-Special Exclusive Judge (POCSO) Civil Court,
Aurangabad in connection with Madanpur PS Case No. 267 of
2024.

7. The application stands allowed.

(Khatim Reza, J)

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