

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84357 of 2024

Arising Out of PS. Case No.-184 Year-2024 Thana- HUSSAINGANJ District- Siwan

Banti Kumar @ Banti Kr. S/o Suman Sah @ Sumer Sah Resident Of Village -
Sajuli, Ps- Hussainganj, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Khatoon W/o Niyamat Ali R/o vill- Sahuli, P.S. - Hussainganj, Distt.-
Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	None

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

ORAL ORDER

403-03-2025

Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary. None appears on
behalf of the informant despite valid service of notice.

2. The petitioner seeks bail in connection with
Hussainganj P.S. Case No. 184 of 2024 instituted for the
offences under Sections 366A/34 of the Indian Penal Code and
later on Sections 8, 17 of the POCSO Act was added.

3. Accusation against the petitioner is of kidnapping
the minor daughter of the informant with malicious intentions.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted that victim in her Statement recorded under Section 164 of the Cr.P.C. has stated that she herself left her house on her own free will and went along with the petitioner as there was love affair between them. Learned counsel further submitted that victim has solemnized marriage with the petitioner. Learned counsel further submitted that victim has not stated anything regarding forceful compulsion given by this petitioner and, hence, no offence is made out against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.10.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that since the victim is minor, her consent is legally irrelevant in the eyes of law. Learned counsel further submitted that police, after investigation, submitted charge-sheet against the petitioner under Sections 363, 366A, 376, 504, 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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