

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85587 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- BARARI District- Bhagalpur

Prateek Kumar @ Pratik Kumar S/O Pawan Kumar R/o Reshamnagar Colony,
Zero Mile, Sabour Road, P.S. - Zero mile, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar S/o Late Nityanand Prasad Madhup R/o Jibu Jha Lene,
Chhoti Khanjarpur, P.S.- Barari, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
POCSO Case No. 219 of 2024 arising out of Barari P.S. Case
No. 64 of 2024 in which charge sheet has been submitted under
Sections 137(2), 96, 352, 64(1) & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Section 4 of the POCSO Act and Section
2(A) of the Marriage Act.

3. Prosecution case in short is that informant's
daughter went missing on 22-07-2024, and during the search, he
learned that she was last seen with one Abhilasha Kumari. When
he confronted Abhilasha's family, they allegedly admitted to



kidnapping her for marriage and refused to cooperate.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27-04-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is inordinate delay of two days in lodging the FIR. Learned counsel for the petitioner submits that daughter of the informant was in love with one Karan Jha and eloped with him on 22.07.2024 and in the way, said Karan Jha called the petitioner and he also went with them, where both solemnized marriage on 24.07.2024. Learned counsel for the petitioner submits that victim in her statement recorded under Section 183 of the BNSS, 2023 has not alleged any overt act against the petitioner. There is no ingredient of Section 96 of the BNS, 2023 against the petitioner. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 POCSO Case No. 219 of 2024 arising out of Barari P.S. Case No. 64 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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