

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88008 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- MAHISHI District- Saharsa

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Satish Kumar @ Chhotu @ Satish Kumar Suman Son of Late Barun Sah @
Singheswar Sah @ Arun Sah Resident of Village - Mahisarho, P.S. - Mahishi,
District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakshman Sah Son of Late Shree Prasad Sah Resident of Village -
Mahisarho, P.S. - Mahishi, District - Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-03-2025 Heard Mr. Chandra Mohan Jha, learned counsel for
the petitioner and Mr. Rajiv Nayan, learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Section 376 of the
Indian Penal Code and Sections 4, 8, 12 of the POCSO Act and
later on Sections 363 and 366A of the I.P.C.

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

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. He has got no criminal
antecedent. During course of investigation, the victim was



recovered and she has given her Statement recorded under Sections 161 and 164 of the Cr.P.C. In both of the statements, she has stated that she has been on talking terms with the petitioner for three years. As her family members came to know about this, she was beaten. After this, she went to Patna, and from there, she went to Allahabad. She lived there with the petitioner for a month. She has stated that the petitioner did not apply force on her and that she went with him on her own sweet will. From perusal of the medical report, it transpires that the doctor found no signs of recent sexual intercourse. It is further submitted that the petitioner is languishing in judicial custody since 11.08.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submits that the victim is minor and as per her matriculation certification, her age is 17 years. It is a case of relation outside marriage between adolescence.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with POCSO Special Case No. 78 of 2024 arising out of Mahishi P.S. Case No. 156 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 Exclusive Special Judge, POCSO, Saharsa.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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