

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90253 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- BALIA BELON District- Katihar

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Pramod Singh @ Permond Son of Gopal Singh Resident of Village- Siz Tola,
P.S.- Balia Belone, District- Katihar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aasepha Khatoon Wife of Md. Raju Resident of Rasulpur, P.S.- Balia
Belone, District- Katihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mandira Sau, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 02-07-2025 Heard Ms. Mandira Sau, learned counsel appearing
on behalf of the petitioner and Mr. Arun Kumar Pandey, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Balia Belone P.S. Case No. 72 of 2024 registered for the
offence(s) punishable under Sections 363, 366A, 34, 376 of the
Indian Penal Code and Sections 4 and 6 of Protection of
Children From Sexual Offences (POCSO) Act.

3. As per the allegation made in the FIR, the minor
daughter of the informant was found missing, while she was



sleeping along with her in open veranda.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a minor and he is aged about 19 years and he has no relationship with the co-accused namely Chhotu Kumar, who is of another village. Petitioner has no role in alleged kidnapping nor he has committed any wrong with the daughter of the informant. Petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that the victim was a minor and upon search it came that the petitioner along with co-accused Chhotu Kumar had kidnapped her. Statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has alleged that the petitioner had participated in the alleged commission of kidnapping, however, she has not made any allegation that the petitioner too had committed wrong with her. Considering the age of the petitioner, who is about 19 years old and he is being unaware of the rigors and consequences in participating in



alleged offence and also from the very FIR it appears that the informant has admitted that in the mid night she was sleeping along with her daughter (victim) but it has not been admitted by her, as to whether, her daughter (victim) on her own left her or she was taken by the co-accused Chhotu Kumar, against whom she has alleged that he committed wrong with the daughter (victim). I am of the view that as there is no allegation made by the victim against the petitioner of having committed wrong with her, the petitioner is having clean antecedent, he has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Spl. Judge, POCSO, Katihar in connection with Balia Belone P.S. Case No. 72 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what



**has been stated in paragraph No.3 of the bail application,
this order will automatically lose its force.**

(Purnendu Singh, J)

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