

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89516 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- KONCH District- Gaya

Raju Kumar, Son of Late Gopal Yadav, Resident of Village- Kalyanpur, P.S.-
Jamhor, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Prasad Singh, Advocate
For the Informant	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 11-04-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned Additional Public Prose-
cutor for the state.

2. The petitioner seeks bail in connection with Konch
P.S. Case No. 228 of 2024 instituted for the offences under Sec-
tion 366(A) of the Indian Penal Code and Section 4 of the
POCSO Act.

3. The prosecution case in short is that on the *fard-
beyan* of the informant namely Sakaldev Yadav present FIR was
lodged wherein he has stated that on 29.05.2024 his daughter
aged about 17 years went to the market and she did not return.
He has stated in the FIR that his daughter has been kidnapped
by some unknown persons by seducing her for the purpose of
marrying with her.



4. It is submitted by learned counsel for the petitioner that the petitioner and the victim girl were in love with each other and the said girl has gone with the petitioner out of her own freewill and subsequent to that they had also married on 16.05.2024. It is further submitted that the father of the girl was well aware of such fact and, hence, the FIR was filed after six days as an afterthought just to falsely implicate the petitioner in the present case. It is also submitted that the girl was recovered and in her statement recorded under Section 183 BNSS she has clearly stated that she had gone with the petitioner on her own freewill and had married the petitioner and she was willing to stay with him. Learned counsel for the petitioner has further drawn attention of this Court towards the radiological report dated 01.08.2024 wherein the Doctor has opined that the age of the girl was above nineteen years. It is lastly submitted that the petitioner has clean antecedent and he is in custody since 31.07.2024.

5. Learned counsel for the informant and well as learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that there is specific allegation of kidnapping of victim girl is against the petitioner.

6. Considering the facts and circumstances of the case



and specially taking into account of the statement of the victim girl recorded under Section 183 BNSS, I am inclined to grant the privilege of bail to the petitioner. The petitioner, above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Shushil Dutt, learned Judicial Magistrate, 1st Class, Gaya (or his successor) in connection with Konch P.S. Case No. 228 of 2024, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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