

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.400 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Rasalpur District- Bhagalpur

Golu Kumar

... .. Petitioner/s

Versus

The State of Bihar and Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar Thakur, Adv
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Suraj Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Rasalpur P.S. Case No. 35 of 2024, registered on 11.05.2024, for the offences under Section 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

03. As per prosecution case, the 17 years old daughter of the informant was enticed away by the petitioner giving her inducement of marriage.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has not kidnapped the daughter of the informant. The daughter of the informant and the petitioner



were in love and they solemnized marriage out of their sweet will. The daughter of the informant herself appeared before the police and the statement was recorded u/s 161 of the Cr.P.C. wherein she stated that she has performed marriage with the petitioner and did not support the allegation against the petitioner. The daughter of the informant is not minor, hence, no offence under the provisions of the POCSO Act is made out in the present case. Petitioner is aged about 22 years. Petitioner is in custody since 28.09.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioner submitting that the victim girl was minor on the date of occurrence. However, Learned counsel appearing on behalf of the informant submits that the informant is not opposing the prayer for bail and further submits that the daughter of the informant has solemnized marriage with the petitioner and she is pregnant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the victim girl at which the girl develops sufficient maturity and also considering the age of the petitioner and period of custody and submission of charge-sheet, the petitioner



is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIIth-cum-Exclusive Special Judge POCSO, Bhagalpur, in connection with Rasalpur P.S. Case No. 35 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other 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.*
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.*

(Arun Kumar Jha, J)

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