

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89035 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- RAMNAGAR District- West Champaran

Byas Kumar @ Vyas Kumar S/o- Late Jhallar Sah Village- Turha Toli Ps-
Ramnagar Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Sah S/o- Shambhu Sah Village- Turha Toli Ramnagar W.No-17, Ps-
Ramnagar Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

6 30-04-2025 Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Ramnagar P.S. Case No. 101 of 2024 registered for the

offences punishable under Sections 363, 366(A)/34 of the

I.P.C., and under Section 4 of the POCSO Act.

3. The prosecution case is to the effect that the

informant has alleged that the petitioner, namely Byas

Kumar, and other accused persons had kidnapped his minor

daughter, aged about 14 years, and since then she is

traceless.

4. Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case of kidnapping. Though from the mere perusal of the statement made under Section 161 of the Cr.P.C., she had herself stated that she had gone out of her own sweet will with the petitioner. He also submits that the victim in her statement has also stated that she had agreed to marry the petitioner and had also cohabited with the petitioner.

5. Learned counsel for the petitioner further submits that there is a serious contradiction between the statement made under Section 161 of the Cr.P.C. and under Section 164 of the Cr.P.C., and the victim girl had backtracked from her earlier version of the story. Learned counsel has referred to the medical report, which also suggests that there is no evidence of recent sexual assault. Lastly, it has been submitted that the petitioner has a clean antecedent, and he is in custody since 20.04.2024.

6. Learned APP vehemently opposes the prayer for bail and has alleged that the victim is a minor and the case being one under the POCSO Act; the petitioner could not be granted the benefit of bail.

7. Considering the facts and circumstances and taking into consideration the fact that this victim girl in her statement under Section 161 of the Cr.P.C., had admitted the she had had gone out of her own sweet will with the petitioner and had also solemnized marriage with him and had also cohabited with the petitioner and also taking into account the period of the custody undergone by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional District & Sessions Judge-VII-cum Special Judge (POCSO), Bettiah, District- West Champaran, in connection with Ramnagar P.S. Case No. 101 of 2024.

(Sourendra Pandey, J)

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