

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2837 of 2025

Arising Out of PS. Case No.-330 Year-2022 Thana- HALSI District- Lakhisarai

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Kundan Kumar Saw @ Kundan Kumar Son of Manoj Saw Resident of
Village- Saithana, P.S.- Halsi, Distt.- Lakhisarai

... .. Petitioner

Versus

1. The State of Bihar
2. N.M (Factionous Name) Son of D.M. (Factionous Name) Resident of Village-
Saithana, P.S.- Halsi, Distt.- Lakhisarai

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Brajesh Sahay, Advocate Ms.Hanshita, Advocate Ms. Rupa Sinha, Advocate Ms. Vandna Rani, Advocate
For the Opposite Party	:	Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 22-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Halsi P.S.

Case No. 330 of 2022 registered for the offences under
Sections 363, 366(A)/34 of the IPC and section 6 of the
POCSO Act, where charge-sheet was submitted under section
363, 366(A), 376(AB), 506, 195(A)/34 of the IPC and
section 6 of the POCSO Act.

3. The petitioner is named in the First Information
Report and is in custody since 15.03.2024.

4. Allegation against the petitioner is to kidnap the



minor daughter of the informant aged about 11 years for the purpose of illicit intercourse or seduced/forced her to solemnize marriage with another person.

5. It is submitted by learned counsel appearing on behalf of the petitioner that victim had love affairs with this petitioner and out of that she went together for Rohtak, Haryana, where they solemnized marriage in a Temple.

6. It is submitted that the allegation of kidnapping and sexual assault was completely negated by the victim while recording her statement under sections 161 and 164 of the Cr.P.C. It is submitted that out of marriage, the victim developed her pregnancy, thereafter, the present case was lodged. It is submitted that petitioner is entitled of benefit as trial could not concluded within statutory time period as per section 35(2) of the POCSO Act.

7. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, could not disputed the aforesaid factual submission and submitted that the victim as per medical report found between the age group of 14 to 15 years.



8. Despite service of notice, none appeared on behalf of the opposite party no.2/informant.

9. Considering the factual submission as mentioned above and by taking note of the fact as the victim while recording her statement under section 161 and 164 of the Cr.P.C. *prima facie* negated the allegation of kidnapping and sexual assault against the petitioner rather stated that she solemnized marriage with the petitioner out her own sweet-will, coupled with the fact that petitioner is in custody since 15.03.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO, Lakhisarai/concerned court, in connection with Halsi P.S. Case No. 330 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

Rajeev/-

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