

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2253 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- KONCH District- Gaya

Om Prakash Kumar @ Om Prakash S/o- Awadh Yadav @ Awadhesh Kumar
@ Awadhesh Yadav Village- Karai Ps- Konch Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi W/O Rajesh Sharma R/O Village Karai P.S. Konch District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 12-05-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with POCSO Case No. 215 of 2024 (arising out of Konch P.S. Case No. 290 of 2024) registered for the offences under Section 96 of BNS.

3. As per the prosecution story the informant has stated that her 16 years old daughter had gone to the market, however, she did not return. The informant further alleged that when she tried to locate her daughter she could not be found and subsequently she was informed that the petitioner namely Om Prakash Kumar had taken away her daughter with the purposes



of marrying her.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case of kidnapping. However, from the perusal of the statements given by the victim girl before the police as well as under Section 183 BNSS it is evident that the victim had denied being kidnapped and had made contradictory statements by stating that she had gone along with her friend and subsequently she has stated that she had gone along with the petitioner. The learned counsel has also drawn attention of this Court towards the medical report which has conclusively held that the victim girl was 19 years of age and there was no sexual activity found. Learned counsel has lastly submitted that the petitioner has clean antecedent and is in custody since 13.07.2024.

5. Learned counsel for the State has opposed the prayer for bail of the petitioner and has stated that the petitioner is alleged to have taken a minor victim girl along with him for the purposes of marriage.

6. Considering the aforesaid facts and circumstances of the case and taking into account the



statements of the victim girl herself made under Sections 180 and 183 of the BNSS as also the medical report and keeping in view the period of custody, let the petitioner above-named be enlarged 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 the learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge VII, Gaya in connection with Konch P.S. Case No. 290 of 2024 subject to the conditions that

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner



has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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