

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1646 of 2025

Arising Out of PS. Case No.-288 Year-2024 Thana- JOGAPATTI District- West Champaran

Rakesh Sah @ Rakesh Kumar @ Rakesh Kumar Sah Son of Raju Sah
Resident of Village - Rudalpur, P.S. - Yogapatti, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Shivshankar Sah Resident of Village - Chomukha, P.S.
- Yogapatti, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II,Adv.

For the Opposite Party/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-04-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Jogapatti P.S. Case No. 288 of 2024 for the offences punishable under sections 126(2), 115(2), 127(2), 96, 3(5) of BNS, u/s 8, 12 of the POCSO Act as also section 3(1)(r)(s) of the SC/ST Act lodged on 13.09.2024 by the informant, Urmila Devi

3. As per the prosecution story, the informant alleged that her daughter had gone to attend the nature's call, as she failed to return, search was made and was found that she has been kidnapped by this petitioner with the bad intention. Upon approaching, threatening was made which led to the FIR.



4. In this case on 15.02.2025, the Co-ordinate Bench had issued notice to Opposite Party No.2, which as per office report, has been personally received by the OP No.2. The case diary including the statement of victim recorded under Section 183 of BNSS were also called for, which are on record.

5. Learned counsel for the petitioner submits that they were in relationship, the girl called the petitioner, they went on their own, solemnized marriage at Areraj Temple and the entire facts have been narrated by the girl in her statement recorded under Section 183 of BNSS. She has further claimed to be eighteen years of age. The petitioner has remained in custody since 27.10.2024 (para-4 of the petition) having no criminal antecedent.

6. Learned APP opposes the prayer submitting that the allegation is of kidnapping for ulterior motive.

7. Considering the submissions put forward by the parties as also the statement of victim recorded under Section 183 of BNSS, she has clearly stated that they went on their own, got married at Areraj Temple and was forcibly taken by the petitioner. He is in custody since 27.10.2024 having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail.



8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 6th District and Additional Sessions Judge cum Special Judge, POCSO Act, West Champaran, in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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