

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.447 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champanan

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Vishal Gupta @ Vishal Kumar Gupta, Male, aged about 32 years, Son of Late
Amar Nath Prasad, Resident of Village- Katha Loknathpur, P.S.- Muffasil,
District- East Chamapran

... .. Petitioner

Versus

1. The State of Bihar
2. Brijmohan Singh, Male, aged about 46 years, Son of Late Chandrika Singh,
Resident of Village - Kataha, Ward No. 14, Police Station - Muffasil, District
- East Champanan

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
POCSO Trial No. 113 of 2024, arising out of Muffasil P.S. Case
No. 223 of 2024 dated 10.05.2024 registered for the offences
punishable under Sections 363, 366A read with Section 34 of
the I.P.C. and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner with the
help of other accused persons are alleged to have kidnapped the
minor daughter of the informant and took her on his motorcycle.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there was love affair between the parties. The victim has been recovered and her statement has been recorded under Section 161 of the Cr.P.C., in which she has stated that she of her own sweet will went with the petitioner to Delhi and stayed there at his house. She has further stated that she was not kidnapped and has not alleged regarding physical assault against the petitioner but in her statement recorded under Section 164 of the Cr.P.C., she has changed the version as stated in 161 of the Cr.P.C. It is further submitted that both parties are neighbours and she has not raised any alarm while she was being taken away by the petitioner from Motihari to Delhi. The victim has been examined and the doctor has assessed the age of the victim is between 14 to 16 years. Learned counsel for the petitioner by filing a supplementary affidavit submits that in the Aadhar Card of the victim, her age has been mentioned as 01.01.2006 and the date of occurrence is 10.05.2024 meaning thereby on the alleged date of occurrence, the victim was aged about 18 years. It is further submitted that both parties have solemnized marriage on their sweet will in 'Arya Samaj Marriage Mandal, Delhi' and they were living as husband and wife since 05.07.2024. Learned counsel for the



petitioner has also annexed some photographs of the petitioner and the victim with the supplementary affidavit annexed as Annexure-P/4 to the supplementary affidavit filed on behalf of the petitioner. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 13.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the petitioner with the help of other co-accused persons kidnapped the minor daughter of the informant and took her to Delhi and solemnized their marriage.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Ex.Special Judge, POCSO Act, East Champaran, Motihari in connection with POCSO Trial No. 113 of 2024, arising out of Muffasil P.S. Case No. 223 of 2024 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court



below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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