

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5136 of 2026

Arising Out of PS. Case No.-388 Year-2023 Thana- VAISHALI District- Vaishali

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Pankaj Kumar S/O Rajesh Ray R/O Village- Phulad, P.S- Vaishali, District-
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shivtahal Bhagat S/O Late Dangar Bhagat R/O Mansurpur, P.S-Vaishali,
Distt.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Prasad Sinha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 13-05-2026 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. The petitioner seeks regular bail in connection with POCSO G.R. Case No. 75 of 2025, arising out of Vaishali Police Station Case No. 388 of 2023, dated 11.09.2023, registered for the offences punishable under Sections 363/366 of the Indian Penal Code.3. The prosecution case, as per the First Information Report, is that the minor daughter of the informant, aged about 16 years, left the house on 08.09.2023, at about 4 AM, without information to anyone.4. Learned Counsel for the petitioner submits that the |
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petitioner is innocent and has falsely been implicated in this case. He further submits that both the petitioner and the daughter of the informant have solemnized marriage inasmuch as the daughter of the informant was recovered by the police on 03.05.2025 along with the petitioner and a baby of 13 days. The statement of the daughter of the informant was recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in which she has stated that she had gone to Delhi with the petitioner one year ago and from Delhi, they had gone to Haryana. She has further stated that she had solemnized marriage in a temple with the petitioner and was living with him as husband and wife. She has further stated that she had gone with the petitioner on her own will and nobody had kidnapped her. He next submits that the petitioner is in custody since 05.05.2025 and charge sheet has also been submitted against the petitioner under Sections 363/366 of the Indian Penal Code, Section 4/6 of the Prevention of Children from Sexual Offences Act, 2012 and Section 9 of the Child Marriage Act, as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.



5. Having heard learned Counsel for the parties and taking into consideration the statement of the daughter of the informant recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the fact that it is a case of adolescent love, the petitioner is in custody since 05.05.2025, and charge sheet has been submitted against him, I am inclined to grant regular bail to the petitioner.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI -cum- Special Judge, POCSO, Vaishali, at Hajipur, in connection with Vaishali Police Station Case No. 388 of 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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