

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6032 of 2026

Arising Out of PS. Case No.-843 Year-2025 Thana- BHABHUA District- Kaimur (Bhabua)

Rakesh Kumar @ Rakesh Bind S/O Paras Bind Resident of Village -
Narotapur, P.S. - Bhabua, District - Kaimur, Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar B
2. X W/O Shiv Prasad Bind Resident of Village - Narotapur, P.s. - Bhabua,
District - Kaimur, Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Sunil, Advocate Mr. Saharsh Shubham, Advocate Mr. Utkarsh Shandilya, Advocate
For the Opposite Party/s :		Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with POCSO Case No. 171 of 2025, arising out of Bhabua P.S. Case No. 843 of 2025 initially registered for the alleged offences under Section 96 of BNS, but, later on, cognizance has been taken under Sections 137(2), 87, 64(1) of BNS and Section 4 of the POCSO Act.

03. As per prosecution case, the minor daughter of the informant went missing and the informant named the petitioner, who took her away on pretext of solemnizing



marriage with her.

04. Learned counsel for the petitioner submits that the petitioner is a boy aged about 18 years and has got clean antecedent. The victim girl has been recovered and her statement has been recorded under Sections 180 and 183 of BNSS. In her statement recorded before the police, she did not allege any physical exploitation and rather stated that she was in love with the petitioner, who was her co-villager. When she came to know that the petitioner had been going to Delhi for earning his livelihood, she herself left her house without informing anyone. Although the petitioner has initially refused to take her with him as she was adamant, both of them went to Delhi and solemnized marriage in a temple. So it is evident that the petitioner did not allure or use any force or pressure on her. Learned counsel further submits that even the FIR has been lodged after delay of two days without any satisfactory explanation. The victim girl has refused to undergo medical examination. The victim girl has returned and she is safe. The petitioner is in custody since 19.10.2025 and charge sheet has been submitted.

05. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the consent of



the minor is immaterial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the petitioner and the statement of the victim girl stated to be aged about 15 years, the age at which a girl develops sufficient majority and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds 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 Act, Kaimur at Bhabua/concerned Court in connection with POCSO Case No. 171 of 2025, arising out of Bhabua P.S. Case No. 843 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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