

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6138 of 2026

Arising Out of PS. Case No.-108 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Pankaj Kumar @ Suraj Kumar @ Suraj Son of Ramsurat Ram @ Surat Ram
Resident of Village- Jagdishpur, P.S.- Sahebganj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX Daughter of XY Resident of Village- Madhurapur, P.S.- Sahebganj,
Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Jha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 07-05-2026 Heard learned counsel for the parties.

2 The petitioner seeks regular bail in a case registered for the offence punishable under Sections 363, 366 (A), 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3 The prosecution case, in short, is that the petitioner along with others kidnapped the minor daughter of the informant.

4 Learned counsel for the petitioner submits that during the course of investigation, the statements of the victim have been recorded under Sections 180 and 183 of the BNSS. In her statement recorded under Section 180 of the BNSS, she has stated that as her father and brother have beaten her, she



went with the petitioner who took her to Mumbai. They started living in Mumbai in a rented house and that the petitioner has forcefully solemnized marriage with her and has also established forceful physical relationship. In her statement under Section 183 of the BNSS, she has stated that the petitioner was studying with her in the coaching. Anyhow the petitioner got her mobile phone number and started talking with her. He called her for seeing fare and, thereafter, took her to Mumbai and solemnized marriage forcefully. Learned counsel for the petitioner has submitted that as per the FIR, the date of the occurrence is 07.03.2024 whereas the FIR was lodged on 10.03.2024. The delay is not explained. It is further submitted that from perusal of the statement of the victim recorded under Section 183 of the BNSS, it is clear that she has denied her medical examination. In her both statements one thing is clear that both were knowing each other from before and that they had proceeded to Mumbai. So far as allegation of solemnizing forcible marriage and establishing physical relation is concerned, that is not substantiated as the victim has herself denied medical examination. As the victim has denied her medical examination, the allegation of rape gets weekend.

5 A report was called for regarding the stage of trial



which goes to show that only charges have been framed and no witness has turned up for examination.

6 Learned APP appearing for the State has vehemently opposed the prayer for bail.

7 Considering the aforesaid facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court POCSO III, Muzaffarpur in Sahebganj PS Case No 108 of 2024.

(Ashok Kumar Pandey, J)

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