

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12895 of 2026**

Arising Out of PS. Case No.-11 Year-2025 Thana- Mission District- Sheikhpura

Nardeo Kumar Sao @ Indradeo Sao @ Nardeo Kumar S/o Doresh Sao @  
Daresh Sah @ Daresh Sao R/o vill - Kurla, P.s.- Gidhaur, Distt.- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Y R/o vill - Nashibchal, P.S.- Mission, Distt.- Sheikhpura

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Advocate  
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANSUL**  
**ORAL ORDER**

4      27-05-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks regular bail in connection with  
POCSO Case No. 62 of 2025, arising out of Mission P.S. Case  
No. 11 of 2025, registered under Sections 65(1), 89 and 3(5) of  
the B.N.S., 2023 and sections 4 and 6 of POCSO Act.

3. As per prosecution case, allegation is that the  
petitioner kidnapped the 13 years old daughter of the informant  
and took her away to Kurla and on the pretext of false marriage,  
he made physical relationship and made her pregnant. The  
informant side has been noticed and counsel is also appearing  
on their behalf.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the



present case. Petitioner is aged about 20 years. There were a relationship with the girl and apparently the girl was made to abort also. Petitioner has clean antecedent and is in custody since 07.07.2025.

5. Learned APP for the State has vehemently opposes the prayer for bail of the petitioner.

6. Considering that the applicant stands accused of offences under the Protection of Children from Sexual Offences Act, 2012, this Court has carefully examined the material on record before proceeding to consider the question of bail, mindful of the gravity that ordinarily attaches to offences under the POCSO Act. However, the facts of the present case disclose a situation that has come to be recognised in judicial discourse as distinct from cases of predatory sexual offences against children. The prosecutrix and the applicant are broadly of the same age group. The statement of the prosecutrix recorded under Section 164 Cr.P.C. indicates that the relationship was one of mutual acquaintance and the allegation of force or coercion is not borne out from her own statement. The First Information Report has been lodged not by the prosecutrix herself but by her family members, and the prosecutrix has not supported the version of the complainant in material particulars.



7. The Hon'ble Supreme Court in In 2026 SCC Online SC 40 State of UP VS Anurudh and Anr has held that, "The Delhi High Court in **Sahil v. the State NCT of Delhi reported in 2024 DHC 6100** the Court noted in para 11 of the order that POCSO cases filed at the behest of a girl's family objecting to romantic involvement with a young boy have become common place and consequent thereto these young boys languish in jails. Therein, reference is also made to an order of the **Gujarat High Court reported in 2018 SCC OnLine Gujarat 1223**, where the Court noted that considering the closeness in age of the prosecutrix and the accused as also the fact that she had left home of her own accord observed that the application deserved consideration.

8. The Hon'ble Supreme Court further, considering the fact that repeated judicial notice has been taken of the misuse of these laws, directed copy of the judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace inter alia, the introduction of a Romeo - Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle



scores etc.”

. This Court is of the considered view that keeping the applicant incarcerated in the facts of the present case would not serve the ends of justice. The applicant is accordingly enlarged on bail subject to the following conditions:

*(i) The applicant shall not directly or indirectly contact the prosecutrix or her family members;*

*(ii) The applicant shall appear before the trial court on all dates of hearing without fail;*

*(iii) The applicant shall not tamper with evidence or attempt to influence any witness;*

*(iv) The applicant shall surrender his passport, if any, before the trial court; (v) Any violation of the above conditions shall entitle the prosecution to apply for cancellation of bail, this application is allowed.*

9. Accordingly, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-cum-Exclusive Special Judge (POCSO), Sheikhpura /concerned court below in connection with POCSO Case No. 62 of 2025, arising out of Mission P.S. Case No. 11 of 2025.

10. It is made clear that any observation made herein



is prima facie in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

**(Ansul, J)**

Ranjeet/-

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