

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32605 of 2025

Arising Out of PS. Case No.-260 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Sumit Kumar @ Guddu S/O Late Ajit Kumar R/O Village- Ratanpura Bin
Toli, P.S- Chapra Muffasil, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pravin Ray S/O Late Saudagar Ray R/O Village- Naviganj Masumganj
Masumeshwar Nath Mandir, P.S- Bhagwan Bazar Chapra, Distt.- Saran at
Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Barnwal, Advocate
For the Opposite Party/s	:	Ms. Renuka Ratnakar, APP
For the Informant	:	Mr. Dhananjay Mishra, Advocate
		Mr. Nilesh Kumar Nirala, Advocate
		Mr. Amit Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 25-02-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 363 of the Indian Penal Code
and later Section 376 of the Indian Penal Code read with
Sections 4 and 6 of the POCSO Act was also added.

3. The case was taken up on 24.02.2026 when
informant and the victim were directed to remain physically
present before this Court. The informant for reasons best known
has not appeared, but then victim has appeared.



4. The victim before the Court submits that Annexure-3 to the bail application is in her own hand writing, but then the petitioner had made her write that letter prior to the occurrence itself. It is also submitted that a child was born, but then the child presently is staying with the sister of the petitioner, it is further submitted that petitioner had kidnapped her and thereafter established physical relation based on which she conceived and a child was born.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in the instant case by the informant who is father of the victim and presently is posted with Jharkhand Police. It is further submitted that no doubt the victim in her statement recorded under Sections 180 and 183 BNSS has supported the case of the prosecution, but then from perusal of Annexure-3 to the bail application which is a letter written by the victim in her own hand writing addressed to the President, State Women Commission, Bihar, Patna, has stated therein that her statement under Sections 164 Cr.P.C. and 161 Cr.P.C. be recorded again, as she was in love with the petitioner and had performed her marriage and also became pregnant, but then her parents were against the marriage and thus she was pressurized



to make a statement against the petitioner.

6. The learned counsel for the petitioner further submits that it does not appear probable that petitioner even prior to statement of the victim recorded under Sections 164 and 161 Cr.P.C. would have made her write a letter addressed to the President, State Women Commission, Bihar, Patna, knowing that victim would support the case of prosecution. It is also asserted and submitted that petitioner and the victim had performed their marriage and out of the wedlock, a child was born. It is further submitted that from perusal of Annexure-3 to the bail application, it would manifest that in the said letter, it is also recorded that while the victim was going to the Court when she was forcefully taken by her parents. It is next submitted that petitioner is in custody since 15.01.2025, charges have been framed and one prosecution witness has been examined. It is next submitted that in the event of acquittal of the petitioner in the trial, how his period of incarceration be compensated, but if petitioner is granted the privilege of bail and ultimately if he is convicted, he will serve the sentence, but then it is reiterated and submitted that petitioner and the victim were in love and they eloped. It is also submitted that if privilege of bail is granted to the petitioner, the petitioner will not abscond rather will



cooperate in the trial to prove his innocence.

7. Learned A.P.P. for the State opposes the bail application of the petitioner.

8. After hearing the learned counsel for the parties, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Bhagwan Bazar P.S. Case No. 260 of 2023.

9. It is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release, is trying to delay the trial in any manner, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

10. The personal appearance of the victim is dispensed with.

11. Accordingly, the instant bail application stands allowed.

(Satyavrat Verma, J)

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