

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34508 of 2025

Arising Out of PS. Case No.-387 Year-2024 Thana- SIKARPUR District- West Champaran

Vishal Kumar S/o Ashok Sah R/o Village- Prakash Nagar, Ward No. 12, PS-
Shikarpur, District- West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 15-01-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Shikarpur P.S. Case No. 387 of 2024 registered for the offences punishable under Sections 365, 363, 341, 323, 504, 506/34 of the Indian Penal Code.

3. The allegation against petitioner is to kidnap the minor daughter of informant aged about 13 years alongwith another co-accused person as to force or seduce the minor daughter of informant for illicit intercourse/ marriage with another person.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that victim recovered during course of investigation and thereafter her statement was recorded, where she categorically stated that out of physical assault caused by her parents she left her home and as she liked petitioner, therefore, upon her request both of them went to Delhi, whereafter knowing the fact that her parents lodged a criminal case against petitioner and his family members, she came back to her village. It is submitted that nothing incriminating *qua* kidnapping or sexual assault as alleged was raised against this petitioner, while recording statement under Section 164 of Cr.P.C. by victim. Petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that consent of minor is of no relevancy, however, he conceded that the factum of kidnapping and sexual assault denied by victim while recording her statement of victim recorded under section 164 of Cr.P.C.

6. It is not a case where physical relationship was established out of own consent, as to question the consent being minor as to attract *prima-facie* the offence committed



under Section 4 or 5 of the POCSO Act.

7. In view of aforesaid factual submission and by taking note of fact as victim categorically negate the allegations of kidnapping/ sexual assault against petitioner while recording her statement under section 164 of Cr.P.C., accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM VI, Bettiah, West Champaran /concerned Court, where the case is pending in connection with Shikarpur P.S. Case No. 387 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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