

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41969 of 2026

Arising Out of PS. Case No.-159 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Rohit Kumar @ Rohit Mukhiya S/o Faguni Mukhiya R/o vill - Thikahan,
Bankat, P.S.- Pakridayal, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o YYY R/o vill - Thikha Bankat, P.S.- Pakaridayal, Distt.- East Champaran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajan

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026

Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Pakridayal P.S. Case No.159/2023 registered for the offences punishable under Sections 363, 365, 366(A) and 34 of the IPC and Sections 4 and 8 of the POCSO Act.

3. The allegation against petitioner is to kidnap the minor daughter of informant aged about 16 years for the purpose of illicit intercourse or marriage with another person.

4. It is submitted by learned counsel appearing on behalf of the petitioner that during the course of investigation daughter of informant was recovered, and her statement was recorded under Section 183 of the BNSS, where she categorically stated that she out of her own sweet will left her parental home as she was in love with this petitioner and went Delhi together, where after they solemnized marriage in a temple at Delhi and thereafter living as husband and



wife happily. It is submitted that petitioners has a child with victim. It is pointed out that upon medical examination age of victim found between the age group of 18-19 years and, therefore, implication of petitioner under POCSO Act also appears not convincing. Petitioner claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact that as victim prima-facie negates allegation of kidnapping and sexual assault against petitioner, while recording her statement under Section 183 of the BNSS, 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 7th Additional Sessions Judge cum Special Judge POCSO Motihari, East Champaran/concerned Court, where the case is pending in connection with Pakridayal P.S. Case No.159/2023, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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