

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49918 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- IMADPUR District- Bhojpur

Deepak Kumar S/o Balmiki Saw @ Balmiki Sah R/o Village- Imadpur, P.O.-
Imadpur, P.S.- Imadpur, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tetar Devi W/o Sunil Singh R/o Village- Imadpur, P.S.- Imadpur, District-
Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunny Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with Imadpur P.S. Case No. 156 of 2024 registered for the offence under Sections 137(2), 140(3), 96 BNS.

3. The petitioner is named in the F.I.R. and is in custody since 28.12.2024.

4. The allegation against the petitioner is to kidnap minor daughter of informant aged about 16 years from her house on intervening night of 16.12.2024 for the purpose of illicit intercourse / marriage.

5. Learned counsel appearing on behalf of



the petitioner submitted that during course of investigation several prosecution witnesses supported the love affairs between the daughter of the informant and petitioner and as their love affairs was not approved by the informant and other family members of the victim the present false case was lodged. It is submitted that upon perusal of statement of victim recorded under Section 164 of the Cr.P.C. it appears that the victim with this petitioner went up to Punjab, where she lived together for considerable period of time and when this petitioner came to know about lodging of present FIR he returned alongwith the victim. It is submitted that upon medical examination victim was found between the age group of 16-18 years, and moreover, no sign of sexual assault as alleged was found upon her, making the allegation doubtful.

6. Arguing further it is submitted that petitioner is in custody since 28.12.2024, i.e., for more than one year and still the victim could not be examined before learned trial court in view of Section 35(1) of POCSO Act and, therefore, the trial of this case is not likely to conclude within preferred



timeline of one year as available under Section 35(2) of POCSO Act, for the reason that preferable time period has already crossed. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

7. Learned APP opposed the prayer of bail.

8. Learned counsel for the informant failed to join present proceedings upon repeated calls.

9. In view of aforesaid factual submissions and by taking note of fact as petitioner remains in custody for more than one year i.e., since 28.12.2024, where even charge could not framed in this matter suggesting *prima-facie* trial of this case is not likely to conclude in near future, accordingly petitioner above named, is directed to be released on bail in connection with Imadpur P.S. Case No. 156 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JM 1st Class, Ara /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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