

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73676 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- PURUSHOTTAMPUR District- West
Champanan

Sukadev Das @ Sukadev Ram Son of Madan Das Resident of Village-
Bhluhiya, Ps - Purushotampur, Dist- West champanan

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ Fathers name of YYY Resident of Village - Prera, Ps- Purshotampur,
Dist- West Champanan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Janardan Prasad Singh, Sr. Advocate
	:	Mr. Dipak Kumar, Advocate
	:	Mr. Shailendra Kr. Singh, Advocate
For the O.P. No.2	:	Mr. Bimlesh Kr. Pandey, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-02-2026 Heard Mr. Janardan Prasad Singh, learned Senior
Counsel for the petitioner, assisted by Mr. Dipak Kumar, learned
Advocate, Mr. Bimlesh Kumar Pandey, learned counsel for the
opposite party no.2 and Mr. Syed Mojibur Rahman learned APP
for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 96, 3(5) of the B.N.S. and
Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner is
alleged to have kidnapped the minor daughter of the informant by
way of allurement on the pretext of marriage.

4. Learned Senior counsel for the petitioner submits,



at the outset, that the First Information Report has been lodged after a delay of five days inasmuch as, while occurrence had taken place on 14.05.2025, the F.I.R. was lodged on 19.05.2025, for which no plausible explanation has been tendered. F.I.R. makes it clear that the informant knew that his daughter, aged about 17 years, had gone along with the petitioner, while he waited for five days for lodging the First Information Report. Further after recovery, the statement of the victim girl was recorded under Section 180 of the B.N.S.S. wherein she has admitted that she had gone along with the petitioner, who is also aged about 20 years, by her own will and by the time they reached Delhi, there was several phone calls from the petitioner's father, as such, they came back and presented themselves at the police office. However, subsequently her statement under Section 183 of the B.N.S.S. was recorded, but after a lapse of three days wherein she was subjected to tutoring as she was in company of her parents and guardians, but even on reading of the said statement it would transpire that she had gone along with the petitioner to Delhi for the purposes of marriage and it was he, who had brought her back to the Court from where she had gone to the Mahila Police Station. So far as the medical evidence is concerned, paragraph no.80 indicates that there is no recent evidence of any sexual assault neither does the victim talk of



any sexual assault etc. upon her. The petitioner is in custody since 08.07.2025 and the charge-sheet has already been submitted on 05.08.2025.

5. Learned APP for the State as well as learned counsel for the opposite party no.2 have vehemently opposed the grant of bail by submitting that there is a direct allegation on this petitioner.

6. Taking into consideration the facts and circumstances and considering the delay in lodging of the First Information Report, coupled with the statement of the victim both under Sections 180 and 183 of the B.N.S.S. and also considering that the petitioner is also a young boy aged about 20 years, who is lodged in custody since 08.07.2025 for an offence which arises out of love relationship between the petitioner and the victim, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-VIIIth-cum-Special Judge, POCSO, West Champaran, Bettiah/concerned Court below in connection with Purushottam P.S. Case No. 63 of 2025.

(Soni Shrivastava, J)

anand/-

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