

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81037 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- ALOULI District- Khagaria

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Raja Kumar, S/o Late Prem Sagar Sada, R/o Village- Ratnaha, P.S.- Alauli,
District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Seema Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Alauli P.S. Case No.129 of 2024 registered for the offence
punishable under Sections 363, 365, 323, 504, 506, 366, 376/34
of the Indian Penal Code.

3. The case of the prosecution is that the petitioner has
kidnapped the minor daughter of the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner is innocent and has committed no offence. He has
been falsely implicated in the present case. Learned counsel for the
petitioner has submitted that from perusal of Annexure-P/3 it will
transpire that the date of birth of the victim is 01.01.2005 as per
the certificate issued by the in-charge Principal, Ratnaha



Mushhari, Anchal-Alauli (Khagaria). The I.O. has also pasted this certificate in the case diary whereas during medical examination, the doctors have opined that the age of the victim is 16-17 years. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 14.06.2025.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that during course of investigation the victim was recovered and she has given her statement under Section 161 and 164 of the Cr.P.C. The victim in her statement under Section 164 of the Cr.P.C. has stated that the petitioner has taken her forcefully from her house. She was taken to Shahpur and from there to Mohamadpur. She lived there for three months. The victim has further stated that the petitioner has forcefully solemnized marriage with her and in her statement under Section 161 of the Cr.P.C. she has stated that the petitioner has established forceful physical relationship with her. From perusal of the medical examination report, it is clear that the victim is pregnant. There is direct allegation that the petitioner has established forceful physical relationship with a minor girl and due to which she is pregnant. For determination of age of a victim, the documents which are required are given in Section 94 of J.J. Act. The document on which the learned counsel for the petitioner has



relied does not find place in the list of those documents. Though, police has submitted charge-sheet under Sections 366, 376 and 34 of the I.P.C. but it is a clear cut case of Section 4 of POCSO Act as well.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

7. However, petitioner may renew his prayer for bail after six months if the trial is not concluded.

8. Learned trial Court is directed to expedite the trial.

(Ashok Kumar Pandey, J)

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