

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88659 of 2025

Arising Out of PS. Case No.-5 Year-2020 Thana- TURKAULIYA District- East Champaran

Mukesh Kumar @ Mukesh Giri S/o Ramekbal Giri R/o Village- Murtiya,
P.S.- Adapur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Village- Bhela Chapra, P.O. and
P.S.- Turkauliya, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parth Gaurav, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 19-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Turkauliya P.S. Case No. 05 of 2020 registered for the offence punishable under Sections 363 & 366A of the Indian Penal Code and later on Section 368, 370, 370A, 376 & 120B of Indian Penal Code, under Sections 4 & 8 of the POCSO Act and under Sections 3, 4, 5, 6, 7(ii)(c) of the Prevention of Immoral Trafficking Act has been added.

3. The case of the prosecution, in short, is that in September 2019, the minor daughter of the informant was missing. The informant searched her but in vain. The informant



came to know that his neighbour Jira Devi has kidnapped the minor daughter for the purpose of solemnizing her marriage with somebody. After that this case was filed on 03.01.2020.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has further submitted that as per the FIR, the date of occurrence is of some date of September 2019. The FIR was filed on 03.01.2020, i.e. after more than three months. There is no explanation of delay in lodging of the FIR. From perusal of the FIR it is not clear as to from whom the informant came to know that Jira Devi has kidnapped his daughter.

5. Learned counsel for the petitioner has further submitted that during course of investigation victim was recovered and she has given her statement under Section 164 of the Cr.P.C. and she has stated that Bhanu Yadav and Jira Devi took her to Nepal and there they sold her to the petitioner in Rs.1,00,000/-. She was being assaulted by the petitioner and she was again transferred to somebody else and her marriage was solemnized with Kundan Giri. Learned counsel for the petitioner has further submitted that in this case, the trial of Jira



Devi was conducted and in that case the victim of this case has deposed as PW-4 and she has stated in her examination-in-chief that as she was scolded by her parents for studies, she went to Kathmandu, Nepal. She has went there alone. Nobody else has gone with her. She stayed there for six months. She does not know as to where did she stayed and the owner of the house arranged her meals. When her father came to know about her, she was called from there. Learned counsel for the petitioner has further submitted that in her deposition she has not named any person who has kidnapped her. Learned counsel for the petitioner has further submitted that the deposition of the victim in that case goes to show that she has given her statement under Section 164 of the Cr.P.C. in some influence which is also clear from her statement in her cross-examination. Learned counsel for the petitioner has further submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 23.10.2025.

6. Learned APP appearing for the State has vehemently opposed the application for bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned 6th District and Session Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 05 of 2020.

(Ashok Kumar Pandey, J)

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