

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91425 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- DHANGAI District- Gaya

Sunil Kumar S/O Late Moti Manjhi R/O Village- Belwatand, P.S- Bodhgaya, Dist- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXX W/O YYY R/O Vill.- Gatam Beri, Post- Bhadeya, P.O-Dhangi, Dist.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Nikhlesh Kumar, Advocate
		Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 24-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 96 and 64 of the BNS and Section 4/6 of the POCSO Act.

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

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that during the course of investigation, the victim was recovered and her statement was recorded under Section 183 of the BNSS



before the Magistrate wherein she has categorically stated that she met the petitioner on road and both of them voluntarily went away together to another place. It is further submitted that the victim was knowing the petitioner for one year and both are liking each other. It is further submitted that she has solemnized marriage with the petitioner. However, she has stated that she is not happy with the marriage and even the petitioner is not happy with the marriage and they don't want to continue the marriage. It is further submitted that from perusal of the medical report, it transpires that the doctor has opined the age of the victim to be about 19 years Moreover, the petitioner is languishing in judicial custody since 25.06.2025 having no criminal antecedent.

5. Countering the aforesaid submissions, learned counsel for the informant submits that the victim is a minor as per her mark sheet issued by the BSEB and further submits that the victim is not happy with the marriage.

6. In this case, it is clear from the statement of the victim recorded under Section 183 of the BNSS that she had voluntarily accompanied the petitioner of her own free will. she has not alleged at any stage that any force was used against her. Furthermore, she has not made any allegation of any sexual intercourse. It appears that she had gone with him on her



own accord and was subsequently recovered during the course of investigation.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhangai P.S. Case No. 68 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO cum Additional Sessions Judge – VII, Gaya JJ.

(Ashok Kumar Pandey, J)

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