

IN THE COURT OF ADDITIONAL SESSIONS JUDGE VITH -CUM-SPL. JUDGE POCSO, PATNA
Special (POCSO) Case No.- 347/2024

Nitish Kumar @ Nitesh Kumar

Petitioner

Versus

State of Bihar

Prosecution

**Sr.
No.**

Date

Order with signature of the Court

**Office
taken
Date** **Action/s
with**

03-01-2025

A bail application filed earlier on behalf of petitioner-accused **Nitish Kumar @ Nitesh Kumar**, who is in custody since 27.10.2024, has been moved today in connection with Sachiwalaya P.S. Case No.156/2024 dated 26.10.2024 registered under Sections 96 of B.N.S.2023 & Sec.3(i)(w), 3(2)(va) of SC/ST Act. A copy of the same has already been served to Learned Special PP for the State.

Heard Manoj Kumar Singh, learned Counsel for the petitioner and Shri Suresh Chandra Prasad learned Special PP for the State.

The prosecution case, in short, is that on 24.01.2024 at about 09.00 A.M. the informant's minor girl aged about 12 years kidnapped by some one after enticing her near Hartali More, Panch Mandir. It is alleged that after hectic search the informant got knowledge that one Ranjan Kumar resident of Hartali More, Panch Mandir has kidnapped and taken away somewhere his daughter with an intention to marry with her. It is further alleged the informant doesn't want to marry his minor daughter but the said Ranjan Kumar has threatened him and his family of dire consequences if the informant will make any objection of marry with the said person. The mobile number is 9934672853. Hence, the informant prayed for legal action against accused Nitish Kumar the boy, petitioner herein, Ranjan Kumar (Mama), Sister Rakhi, mother and Nani (grandmother). Thus, on the basis of written application of informant the case was registered as specified.

Learned Counsel for the petitioner has submitted that the petitioner is innocent, committed no offence as alleged in the FIR and has falsely been implicated in this case. It has further been submitted that the petitioner has not moved either anticipatory or regular bail before this Court or in the Hon'ble High Court, Patna prior to this anticipatory bail petition. It has further been submitted that the petitioner has no criminal antecedents. It has further been submitted that actually petitioner has nothing to do with the whole occurrence and no any allegation has been made against the petitioner in the F.I.R. It has further been submitted that no case either under aforesaid sections of B.N.S. & SC/ST Act is made out against the petitioner. It has further been submitted that now the case has been compromised between the parties for which a compromise petition duly signed by the

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(03-01-2025)

parties is on record. It has further been submitted that the petitioner is in custody since 27.10.2024 for no fault on his behalf. The petitioner undertakes to furnish sound sureties as directed by this Court and is ready to abide by the terms and conditions as laid down by this Court and on these grounds, prayed for privilege of bail.

Learned Special PP has vehemently opposed the prayer of bail of the petitioner contending that the allegations against the petitioner are serious and grave in nature.

Perused the record. From perusal of the same, it appears that the petitioner is named in the FIR against whom there is specific allegation of kidnapping of minor victim girl aged about 12 years belongs to SC/ST community with the help of Mama Ranjan Kumar and other family members. The informant in his restatement has completely supported the prosecution case. The other witnesses in their statements during investigation have also supported the case of the prosecution. From perusal of the record, it appears that the victim in her statement U/s 180 B.N.S.S, 2023 & 183 B.N.S.S, 2023 has stated about the love affair and marriage between her and petitioner-accused but the minor's consent has not value under Pocso Act. Similarly, the plea of compromise has no bearing in the instant case as the alleged offences are non-compoundable in nature due to which the case has been remitted to this Spl. Pocso Court from the Court of Spl. SC/ST Court. There is no previous criminal antecedent of the petitioner as evident from para-54 of case diary. Moreover, para-55 of the case dairy shows that investigation of this case is still going on.

In view of the above stated facts and circumstances of the case, considering the serious nature of the allegations, it is not just and proper to enlarge this petitioner on bail. Accordingly, bail application of the petitioner namely **Nitesh Kumar @ Nitesh Kumar**, is **rejected**.

The order is dictated and corrected by me.

Sd/. K.C. Mishra,

A.D.J. VIth -cum- Excl. Spl. Judge POCSO, Patna
Dated:- 03.01.2025.

