

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5312 of 2025

Arising Out of PS. Case No.-116 Year-2024 Thana- Balwahat District- Saharsa

Saurabh Kumar @ Saurav Kumar S/o- Raghu Yadav Village- Jarsain ward no
02 PS- Saharsa, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Balwahat P.S. Case No. 116 of 2024 instituted for the offence
under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in short is that daughter of the
informant went missing from home and on search, she could not
be traced.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 12-09-2024. Petitioner
bears clean criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case during course of investigation. Learned counsel for the petitioner has referred to the statement of the victim recorded under Section 183 of the BNSS, 2023, wherein, she has deposed that she has solemnized marriage with the petitioner and she had gone with the petitioner at her own volition. Learned counsel for the petitioner drew the attention of the Court towards the medical report of the victim, wherein, doctor has assessed the age of the victim above 18 years and it is further opined that sexual assault occurred can neither be confirmed nor be denied. Cognizance is also taken in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the statement of the victim recorded u/S 183 of the BNSS, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Balwahat



P.S. Case No.116 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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