

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1734 of 2025

Arising Out of PS. Case No.-286 Year-2024 Thana- BAKHARI District- Begusarai

Bittu Kumar S/o- Mithilesh Singh @ Mithilesh Kumar Singh Resident of
Village- Makhawa P.S.- Bhagwanpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bakhri

P.S. Case No. 286 of 2024 registered for the offence under

Sections 173(2) and 140(3) of B.N.S., 2023 (which is

corresponding to Sections 363 and 365 of IPC).

3. The accused/petitioner is named in the F.I.R. and is

in custody since 26.10.2024.

4. The allegation against petitioner is to kidnap the

minor daughter of the informant aged about 16 years.

5. Learned Counsel appearing on behalf of the petitioner

submitted that as per medical examination, the age of daughter of

the informant appears between 16-18 years and if the marginal



year of + 2 years be supplied to it in terms of ***Rajak Mohammad Vs. State of Himachal Pradesh***, reported in ***(2018) 9 SCC 248***, certainly she appears major on the date of occurrence. It is submitted that if the statement of victim after recovery as recorded under Section 183 of BNSS be taken into consideration, it appears that the informant is the step mother of the victim, who in connivance with her father made an attempt to marry her with a aged person about 45 years old and, therefore, she left her house out of her own sweet will and, thereafter, called this petitioner from home, who accompanied her to Bangalore. She denied any physical relation with petitioner and also marriage petitioner. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer of bail.

7. Considering the facts and circumstances and by taking note of the statement of the victim as recorded under Section 183 of the BNSS, where she completely denied the allegation of kidnapping and any sexual abuse and also to solemnizing marriage with petitioner, coupled with the fact that investigation of this case is already completed, where petitioner is



in custody since 26.10.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Bakhri P.S. Case No. 286 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned Court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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