

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3265 of 2025

Arising Out of PS. Case No.-400 Year-2024 Thana- JANDAHA District- Vaishali

Prabhat Kumar @ Prabhat Kumar Singh @ Prabhash Kumar Son of Late Kailash singh Resident of Village- Chak Abdulgani, P.S.- Jandaha, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nandlal Singh Son of Late Badri Singh Resident of Village- Chak Abdulgani, P.S.- Jandaha, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Ahmad Ali, APP
For the Informant	:	Mr. Ravish Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Jandaha P.S. Case No. 400 of 2024 registered for the alleged offences under Sections 137(2) and 96 of the Bharatiya Nyaya Sanhita, and Section 8 of the POCSO Act.

03. As per prosecution case, the minor daughter of the informant went missing in early morning on 30.10.2024 and the informant named the petitioner who used to give tuition to her for being involved in the missing of his daughter.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



The FIR has been lodged after delay of 3 days without any explanation. Petitioner is the cousin of the victim girl and she has been recovered and recorded her statement before the learned Magistrate under Section 183 of the BNSS wherein she has stated that she left her home on her own on 30.10.2024 and went to Patna and thereafter Hajipur and from there to Kanpur. Thereafter, accompanied with this petitioner she went to the Police Station from where she was taken to the Court. The victim girl specifically stated that the petitioner did not commit any wrong with her. Learned counsel further submits that from the facts it is apparent that there was no kidnapping or any sexual assault against the victim girl. The petitioner is in custody since 03.11.2024 and charge-sheet has been submitted. The petitioner is having antecedent of one case of different nature in which he is on bail.

05. Learned APP for the State opposes the prayer for bail and submits that the learned Magistrate has assessed the age of the victim girl to be 17 years and she also assessed her aged to be 17 years.

06. Learned counsel for the informant submits that settlement has taken place between the parties and informant does not want to prosecute the matter further.

07. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the statement of victim recorded under Section 183 of the BNSS absolving the petitioner for any wrong doing and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 400 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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