

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7365 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- ASHTHAWAN District- Nalanda

Badal Kumar S/o Mukesh Kumar @ Mukesh Paswan R/o - Malti, P.S. -
Asthawan, District – Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kabita Devi W/o Sanjeev Paswan R/o - Malti, P.S. - Asthawan, District -
Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Murti, Advocate Mr. Pankaj Kumar, Advocate
For the Informant	:	Mr. Ram Vijay Singh, Advocate
For the State	:	Md. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 23-06-2025 Heard Mr. Ram Murti, the learned counsel appearing
on behalf of the petitioner, Mr. Ram Vijay Singh and Md.
Mohammad Sufyan, the learned Additional Public Prosecutor
for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A) and 34 of the Indian
Penal Code. Petitioner has clean antecedent.

3. As per the prosecution case, the informant has
alleged that her 16 years old daughter had gone to attend the call
of nature and did not return and despite hectic search, she could
not be found. It is further alleged that she received a call from a
mobile wherein, it was stated that her daughter was with him



and thereafter the said mobile was switched off. The informant alleged that she could identify the voice of Badal Kumar (petitioner) and she feared that it was the petitioner who had kidnapped her daughter for the purposes of marriage.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no case of kidnapping is made out. It has further been submitted that the victim girl had gone out of her house upon her own sweet Will and the said fact is being established from the perusal of both 161 Cr.P.C. as well as 164 Cr.P.C. statement made by the victim wherein, she has stated that she had gone out with the petitioner on her own sweet Will. It has also been submitted that the victim girl has not stated about any criminal force used against her. It has lastly been submitted that the petitioner carries clean antecedent and he is in custody since 13.06.2024.

5. The learned counsel for the Informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the victim is a minor girl and hence, even her consent would not matter. It has further been submitted by the learned counsel for the informant that the victim is admittedly 16 years of age and hence, her statement of accepting her affairs with the petitioner



would not account for under the provisions of the Act.

6. Considering the aforesaid fact and taking into account the statements of the victim and also the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Session Trial No. 842 of 2024 arising out of Asthawan P.S. Case No. 82 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found



that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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