

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13868 of 2025

Arising Out of PS. Case No.-446 Year-2024 Thana- RAJAPAKAR District- Vaishali

Devnath Kumar S/o- Jaleshwar Ray Village- Bhalui PS-Rajapakar District-
Vaishali

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Ruby Devi W/o- Ganga Rai Village- Pachai Mahesh PS-Rajapakar District-
Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Bela Singh, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Raja Rami Rai, Advocate

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

ORAL ORDER

3 25-06-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Rajapakar P.S. Case No. 446 of 2024, instituted for the offences
punishable under Sections 137, 96, 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and read with Section 8/12 of the POCSO Act.

3. The prosecution case, in short, is that, on the
alleged date of occurrence, the petitioner along with other co-
accused persons are alleged to have kidnapped the daughter of
the informant for the purpose of getting some immoral work
done.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern in any manner with the alleged offence. The allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that victim has not named the petitioner in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The victim has not been recovered from the possession of the petitioner. The petitioner is in custody since 21.11.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that witnesses have supported the allegation of kidnapping levelled against the petitioner in paragraph nos. 4, 5, 6 and 7 of the case diary. It is further submitted that statement of the victim recorded under Section 183 of BNSS in which she has also supported the allegation of kidnapping by two accused persons. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial. The petitioner may renew his prayer for regular bail after framing of charge, after evidence of victim before the Court below.

(Rudra Prakash Mishra, J)

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