

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13363 of 2025

Arising Out of PS. Case No.-52 Year-2021 Thana- NARDIGANJ District- Nawada

Shambhu Kumar Son of Karu Singh Resident of village- Rebara, P.S.-
Kashichak(Sahpur), Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Adv

For the Opposite Party/s : Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 14-08-2025 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

Nardiganj P.S. Case No. 52 of 2021 registered for the offences

under Sections 363 and 366 (A) of the Indian Penal Code.

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

custody since 19.11.2024.

4. The allegation against the petitioner is to kidnap

the minor daughter of the informant for the purpose of illicit

intercourse or seduce/forced her to enter into marriage with

another person.

5. Learned counsel appearing on behalf of the

petitioner submitted that from the statement of victim as recorded



under Section 183 of the BNSS, it can be safely gathered that alleged kidnapping was not made with an intention to commit rape/penetrative sexual assault, rather victim categorically stated that her kidnapping was done by petitioner for extortion of money from her parents. It is further submitted that in view of same submission of charge-sheet under POCSO Act appears bad in the eyes of law and entire case of prosecution appears falsified. It is also submitted that cognizance in this matter was taken on 23.04.2025 and since then even victim could not examined before learned Trial Court in view of Section 35(1) of the POCSO Act and, therefore, conclusion of trial also appears a remote aspect and would not likely to conclude within prescribed time period of one year in view of Section 35(2) of the POCSO Act. While concluding the argument it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking note of fact as victim categorically denied any sexual assault, in terms of her statement recorded under Section 183 of the BNSS, coupled with the fact as victim could not examined



within prescribed time period of one month from cognizance in view of Section 35(1) of the POCSO Act, where conclusion of trial appears a remote aspect and is not likely to conclude within prescribed time period of preferably within one year in view of Section 35(2) of the POCSO Act, as petitioner remains in custody since 19.11.2024, accordingly above named petitioner, is directed to be released on bail in connection with Nardiganj P.S. Case No. 52 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Nawada/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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