

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13875 of 2025

Arising Out of PS. Case No.-358 Year-2024 Thana- SONBERSA District- Sitamarhi

Mithu Kumar S/o Sri Rajkishor Thakur Resident of Village- Ganghati, PS-
Motipur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi W/o Sri Lalbabu Thakur R/o vill - Dostiya, P.s.- Bhutahi,
Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

ORAL ORDER

6 09-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 358 of 2024 instituted for the offence
under Sections 137(2) & 96 of the Bharatiya Nyaya Sanhita,
2023 and Sections 4 & 6 of the POCSO Act.

3. The prosecution case, in short, is that on
13.11.2024, the informant's 15-year-old daughter was going to
the bank when petitioner forcibly applied vermilion on her and
attempted to kidnap her for marriage. On hearing her cries,
villagers intervened and caught the accused. The informant
reached the spot and, with the help of villagers, handed



petitioner over to the police.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14-11-2024. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to a misunderstanding, as the allegations in the FIR are general and baseless. Petitioner is the brother-in-law of the informant's elder daughter and was in a consensual relationship with the victim. The case was lodged by the informant to pressure the petitioner after he declined to marry the victim. No offence of kidnapping or sexual assault is made out; hence, the sections of the BNS and POCSO Act are not applicable.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to statement of the victim recorded under Section 183 of the BNS, 2023, it is submitted that victim herself has stated that petitioner put vermilion without her consent and he used to threaten her. Other witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances



of the case, there being direct allegation against the petitioner of putting vermilion upon the victim in the public place, this Court is not inclined to grant bail to the petitioner at this stage. Prayer for grant of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of six months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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