

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26893 of 2025

Arising Out of PS. Case No.-397 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Nitish Kumar Son of Rajesh Mahto @ Rajesh Kumar Resident of Village -
Aalampur Ward No.10, P.S. - Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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

ORAL ORDER

4 01-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has moved before a Co-ordinate Bench of this Court with a prayer for anticipatory bail which was rejected vide order dated 26.04.2023 passed in Cr. Misc. No. 11536 of 2023.

3. The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 397 of 2021 instituted for the offences under Sections 366A/34 of the Indian Penal Code.

4. As per prosecution case, the accusation against the accused persons including the petitioner is of kidnapping the Informant's daughter by alluring her.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Learned counsel for the petitioner further submits that the date of occurrence is 24.10.2021 whereas the written statement was given to the police on 02.11.2021 without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.06.2024 without any rhymes or reason. He further submits that the co-accused Sita Devi who is the mother of the petitioner has already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 09.11.2022 passed in Cr. Misc. No. 30126 of 2022.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The Investigating Officer, after completion of investigation, has



submitted charge-sheet against the petitioner for offence under Sections 366(A)/34 of the I.P.C.

7. Pursuant to the order of this Court dated 06.05.2025, the Superintendent of Police, Samastipur has sent its report dated 21.08.2025, stating therein that the victim girl has not yet been recovered.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the materials available in the case diary, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bibhutipur P.S. Case No. 397 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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