

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30328 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- Bahoranpur District- Bhojpur

Abhishek Kumar @ Vikash @ Abhishek Roy @ Budha Ray S/O Shiv Pujan Ray R/O Village- Bahoranpur, P.S- Bahoranpur (Shahpur), Distt.- Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Purushotam Sharma, Adv.
For the State	:	Mr.Madan Kumar, APP
For the Informant	:	Ms.Dipti Divya, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

5 15-11-2025 By means of this bail application, petitioner, who is involved in connection with Bahoranpur P.S. case no.92 of 2024, registered for the offences punishable under Sections 87, 352, 351(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023, seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the informant who is father of victim got a First Information Report lodged on 06.08.2024 against the petitioner Abhishek Kumar @ Vikash @ Abhishek Roy @ Budha Ray, co-accused Shivpujan Ray, Mukesh Ray, Prema Devi, Kamalesh Ray @ Bhuar Ray, stating inter alia that on 05.12.2024 at about 9 o'clock, when his



daughter was going to her school, she was abducted by the accused persons.

4. It is argued by learned counsel for the petitioner, that petitioner has been falsely implicated in this case. The prosecution has not come with clean hands. In the First Information Report, age of the victim has been shown as fourteen years whereas she is major. He further submits that in fact on account of love affair, victim herself had gone with the petitioner but later on, he dropped her near her house on 13.12.2024. Thereafter, she was medically examined but no external or internal injury has been found on her body nor spermatozoa was found. It is also submitted that charge sheet has been submitted in this case on 18.02.2025 and cognizance of the offence was taken by the trial court on 05.03.2025 but till date, statement of the victim has not been recorded because victim is not inclined to give statement. The petitioner has criminal history of two cases. Out of which, in one case he is on bail and in another case he has been exonerated after investigation, which has been explained in paragraph no. 3 of bail application. Lastly, it is submitted that petitioner is languishing in jail since 13.12.2024 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.



5. Per contra, learned Additional Public Prosecutor for the State and counsel for the informant opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. by contending that innocence of the applicant cannot be ad-judged at pre-trial stage.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that during investigation, as per ossification test report, age of victim was found between 16-18 years. Petitioner is languishing in custody since 13.12.2024 but till date statement of victim has not been recorded before the trial Court. In this regard, this Court vide order dated 13.10.2025 has called for an explanation from the trial Court as to why the evidence of the victim could not be recorded within one month from the date of cognizance. In response, the trial court submitted its report dated 16.10.2025, wherein it is mentioned inter alia that after framing of charges, cognizance in this case was taken on 05.03.2025 and charges against the accused were framed on 28.03.2025. Thereafter summons, bailable warrant and non-bailable warrant have been issued by the Court for evidence of the prosecution witnesses including the victim vide order dated 28.03.2025, 03.06.2025 and 25.09.2025 but the prosecution has not produced



the victim for her evidence till now. However, two other prosecution witnesses have been examined in the court. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases and the manner, in which trial of the applicant is going on, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 13.12.2024 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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