

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42171 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Nitish Kumar S/O Tetar Paswan R/O Village- Amba, P.S. Saharsa Sadar,
Distt.- Saharsa. Petitioner/s

Versus

1. The State of Bihar
2. Amarjeet Paswan S/O Jogi Paswan R/O Village- Dah, P.S- Kaneria O.P,
Distt.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366A, 376 of the Indian Penal Code and Section 4, 6 of the POCSO Act, 2012.

3. The case of the prosecution, in brief, is that the niece of the informant was found missing, whereupon he started searching for her. The informant suspected that co-accused namely, Nitish Kumar and Umesh Paswan has kidnapped his niece for the purpose of marriage. During the course of investigation, the victim was recovered and her statement was recorded under Sections 180 and 183 of the BNS. In her statement, she has stated that she has solemnized marriage with the petitioner and that she had gone with him on her own free



will. She further disclosed that her age is 17 years and six months.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that it is a case of elopement. Moreover, the petitioner is languishing in judicial custody since 24.01.2025 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail stating that the statement of the victim under Sections 180 and 183 of the BNS clearly reveals that no force was used to take her away.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 492 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Saharsa.

(Ashok Kumar Pandey, J)

Jagdish/-

U		T	
---	--	---	--

