

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37944 of 2025

Arising Out of PS. Case No.-375 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Vishal Kumar, Male, aged about 21 years, S/o Dasai Ray @ Dashai Prasad
Yadav, R/o Village- Sabili, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. Vigan Kumar Yadav, S/o Late Mohar Roy, R/o Village- Sabili, P.S.-
Baikunthpur, District- Gopalganj

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rajesh Ranjan, Advocate
For the Informant	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Bharat Bhushan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Baikunthpur P.S. Case
No. 375 of 2024 dated 16.11.2024 registered for the offence
punishable under Section 87 of the B.N.S., 2023.

3. The prosecution case, in brief, is that on
28.10.2024, the co-accused Manish Kumar is alleged to have
kidnapped the minor daughter of the informant for the purpose
of marriage in which the co-accused Vishal Kumar (petitioner),
Sujeet Kumar and Shailesh Kumar have also helped.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner to have helped in kidnapping of the minor daughter of the informant. It is further submitted that the real fact is that there was love affair between the daughter of the informant and the co-accused Shailesh Kumar and this fact was in the knowledge of the informant and his family members and the entire villagers. The present false case has been lodged only with a view to hide their relationship and to implicate the accused persons including the petitioner. The petitioner is the neighbour of the informant and there was some dispute between the family of the petitioner and the informant and only with a view to settle their dispute, the petitioner has been dragged in the present case. The alleged occurrence took place on 28.10.2024 whereas the F.I.R. has been lodged on 16.11.2024 i.e., after a much delay of 19 days and for the delay, no cogent or plausible explanation has been given by the prosecution and the present case has been lodged after due deliberation as an afterthought. No incriminating article has been recovered from the possession of the petitioner. He has no concern with the alleged offence. The petitioner has



clean antecedent as stated in paragraph no. 3 of the bail petition.
The petitioner is in custody since 17.02.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. Learned counsel for the informant has further submitted that the victim in her statement recorded under Section 183 of the B.N.S.S., 2023, which is in paragraph no. 27 of the case diary, has stated that on 28.10.2024, Manish Kumar, Sujeet Kumar and Vishal Kumar (petitioner) kidnapped her and committed rape on her one by one. The medical Board assessed the age of the victim as 16 to 17 years.

6. Considering the aforesaid facts and circumstances of the case as well as the accusation made against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Baikunthpur P.S. Case No. 375 of 2024, pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Gopalganj.

7. The application stands rejected.

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(Chandra Prakash Singh, J)

