

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34618 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- MAHINDWARA District- Sitamarhi

Vikash Kumar son of Chandeshwar Rai village - Mahesha Farakpur @
Mahesha Farrukhpur, P.S. -Mahindwara, Dist. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chameli Devi Wife of Sheshnath Rai village - Mahesha Farakpur, WArD no.
6 P.S. -Mahindwara, Dist. - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Raja Ram Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Mahindwara P.S. Case No. 48 of 2025, lodged on 18.03.2025,
under Sections 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023,
and under Section 8 of the POCSO Act.

3. As per the prosecution case, FIR has been lodged
against eight named accused persons including the present
petitioner alleging that the petitioner kidnapped the minor
daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



further submits that the alleged victim has already been recovered and has recorded her statement before the Judicial Magistrate under Section 183 of the BNSS, in which she stated that she stayed in the hotel with the petitioner for 2–3 days. Counsel further submits that the victim did not go with the petitioner or any other person, rather, she went to the hotel on her own and stayed there with the petitioner. Counsel also submits that the ingredients of Section 96 are absolutely lacking in the present case, and Section 8 of the POCSO Act is also not attracted. Counsel further submits that the petitioner has been in custody since 24.03.2025 and has a clean criminal antecedent.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the victim is a minor, and only for this reason the POCSO Act has been added in this case.

6. Learned APP for the State opposes the prayer for bail.

7. Upon the specific query as to whether charge has been framed or not, counsel for the petitioner submits that he has no knowledge of the same, but counsel for the informant submits that, till date, charge has not been framed.

8. In the present facts and circumstances of this case



and in view of the submissions made above, this Court is not inclined to grant bail to the petitioner at this stage. Therefore, the bail application of the petitioner is hereby rejected. However, liberty is granted to the petitioner to renew his prayer for bail after the framing of charge.

(Dr. Anshuman, J.)

Aman Kumar/-

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