

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37395 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- BHEJA District- Madhubani

Suresh Kumar @ Suresh Yadav S/O Sri Ghuran Yadav Resident of Village-
Radhikapur, Bhelahi Tol Bakua, Post- Bhargama, P.S.- Bheja, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandra Kishor Yadav S/O Late Vindeshwar Yadav R/O Village- Kharik,
Post- Rahua Sangram, P.S- Bheja, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.
For the Opposite Party/s : Mr. Anil Kr. Singh, No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bheja
P.S. Case No. 87 of 2024 registered for the offence under
Sections 137(2), 96, 126(2), 115(2), 352, 3(5), 351(2) of
BNS.

3. The petitioner is named in the F.I.R. and is in
custody since 29.09.2024.

4. The allegation against the petitioner is to kidnap
minor daughter of informant aged about 17 years.

5. Learned counsel appearing on behalf of the
petitioner submitted that during course of investigation



statement of victim was recorded under Section 183 of BNSS, where she completely denied the allegation of kidnapping and rape, rather she stated that out of her own sweet will she went with petitioner and solemnize marriage in a temple. It is also submitted that even the victim refused to join medical examination and, therefore, no corroborative material is available on record *qua* allegation.

6. Arguing further it is pointed out that, the petitioner remains in custody since 29.09.2024, suggesting that trial is not likely to conclude within provisioned timeline as prescribed under section 35(2) of POCSO Act as still several prosecution witnesses are required to be examined. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that allegation is specifically available against this petitioner.

7. It is pointed out that informant was duly informed regarding present pending proceedings through concerned SHO



as same was informed by learned APP through letter no. 1013 of law department.

8. In view of aforesaid factual submission and by taking note of fact as victim completely negate the allegation of kidnapping and sexual assault *qua* petitioner while recording her statement under Section 183 of BNSS coupled with fact that timeline of this case is already crossed as provisioned u/s 35(2) of POCSO Act as petitioner remains in custody since 29.09.2024, accordingly petitioner above named, is directed to be released on bail in connection with Bheja P.S. Case No. 87 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VII cum Spl. Judge, POCSO, Madhubani /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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