

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36801 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- GWALPARA District- Madhepura

Shiv Kumar Mahto S/O Sikendra Mahto @ Sikendar Mahto R/O Village-
Birgaon Beldari, Ward No. 06, PS- Arar, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prince Kumar S/O-Late Vishwanath Poddar, R/O-Vill-Birgaon Beldari Tola,
Ward no.-6 P.S.-Arar, Dist.-Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Rashmi, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 10-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. In spite of valid service of notice upon the
O.P. No.2, no one has appeared on his behalf. Perused the case
diary.

2. The petitioner seeks bail in connection with
Gwalpara (Arar) P.S. Case No. 195 of 2024 instituted for the
offences under Sections 137(2), 96, 3(5) of the Bhartiya Nyaya
Sanhita, 2023 and Section 8 of the POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of kidnapping the
minor sister of the Informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that this is not a case of kidnapping rather there is a love affair between the petitioner and informant's sister. The police has recovered the victim girl and recorded her statement under Section 180 of the B.N.S.S. in which she has not made any specific allegation of any overt act against the petitioner. She has stated that she herself fled away from her house with the petitioner and nobody has kidnapped her. They have also solemnized marriage. In the 183 B.N.S., 2023 statement also, the victim girl has not made any allegation against the petitioner. The victim girl has refused for the medical examination. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.12.2024 without any rhymes or reason. Charge-sheet has been submitted in this case under Sections 137(2), 96, 3(5) of the B.N.S. and Section 8 of the POCSO Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor and, hence, the petitioner does not deserve bail. The Investigating Officer, after completion of investigation, has



submitted charge-sheet finding the case true against the petitioner for offence under Sections 137(2), 96, 3(5) of the B.N.S. and Section 8 of the POCSO Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gwalpara (Arar) P.S. Case No. 195 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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