

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39087 of 2025**

Arising Out of PS. Case No.-31 Year-2024 Thana- KADWA District- Katihar

Neeraj Kumar Son of Raghunath Mehta Resident of Mahmmadpur, P.S-  
Kadwa, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agrawal, Sr. Advocate    |
|                          |   | Mr. Sanjeev Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Murli Dhar, A.P.P.            |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      15-10-2025

Heard Mr. N.K. Agrawal, learned Sr. Advocate  
appearing on behalf of the petitioner and Mr. Murli Dhar,  
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Kadwa P.S. Case No. 31 of 2025, registered for the  
offences punishable under Sections 137(2), 96 & 3(5) of the  
Bharatiya Nyaya Sanhita, 2023.

3. Based upon the written report, the prosecution  
alleges that on 13.02.2025, the minor daughter of the informant  
had gone to school but she did not return. On search, they came  
to know that one Dulari Kumari had come to his house, who  
used to talk with the victim girl and were also in touch, through



video call, with another person, namely Aman Kumar. He was also seen with one Juli Devi prior to alleged occurrence. The said Juli Devi was a lady of suspicious character.

4. Mr. N.K. Agrawal, learned Sr. Advocate appearing on behalf of the petitioner taking this Court through the F.I.R. submitted that from the narrative it appears that the victim girl was in good relations with Dulari Kumari, Juli Devi and Aman Kumar and there is no allegation leveled against the petitioner. The petitioner is not even named in the F.I.R. Later on, the victim was recovered from a village of Uttar Pradesh and her statement has been recorded under Section 183 of B.N.S.S. In the said statement she has disclosed that on 13.02.2025 the father of Dulari Kumari namely, Raghunath and his brother Neeraj (petitioner) and one co-accused Ashok had brought her to Katihar and thereafter, she reached U.P. along with Juli Devi and Aman Kumar and solemnized marriage with Aman Kumar who in return gave Rs. 3,00,000/- (Rupees three lakh) to Juli Devi. Even if the allegation taken to be true, the petitioner can be said to be a facilitator, who has brought the victim to Katihar from where she was taken by other accused persons. There is no allegation of any misbehave and overt-act against the petitioner. It is also not the case of the informant or the victim that the



petitioner has accepted any money from other accused persons. All the more, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation and the proceeding of the court. It is lastly contended that be that as it may, the informant was recovered from the house of co-accused Aman Kumar in the State of Uttar Pradesh, who is not associated with the petitioner in any way.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner actively participated in the crime and it is he who along with others have taken the victim to Katihar from where she was taken by other accused persons.

6. Considering the submissions advanced by the learned Advocate for respective parties and taking note of the delay in lodging of the F.I.R. coupled with the accusation leveled against the petitioner and also the statement of the victim girl under Section 183 of B.N.S.S. wherein she has not made any specific allegation against the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII-cum-Spl. Judge POCSO, Katihar in connection with Kadwa P.S. Case No. 31 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

Nilmani/-

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