

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40826 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- MINAPUR District- Muzaffarpur

Vicky Kumar @ Vikky Kumar S/O Sri Raj Kumar Mahto @ Raj Kumar Mahato Resident of village -Chhegan Neura, PO- Jamalabad, PS- Minapur, district- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Sah S/O Sri Kali Sah Resident of village -Chhegan Neura, PO- Jamalabad, PS- Minapur, district- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sagar Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 16-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Minapur P.S. Case No. 404 of 2024 instituted for the offences under Sections 137(2), 96, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO Act.

3. Accusation against the petitioner is of kidnapping the informant's minor daughter.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that victim in her



Statement recorded under Section 183 of the BNSS has specifically stated that this petitioner never gave any compulsion or threat to her nor committed any wrong with her. Learned counsel further submitted that victim has also refused to undergo medical examination. Learned counsel further submitted that it is evident from the victim's statement that no offence under Section 96 of the Bharatiya Nyaya Sanhita, 2023 is made out against the petitioner. Learned counsel further submitted that victim left her house on her own will and this petitioner never kidnapped her. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.12.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no material against the petitioner in Section 183 BNSS statement of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Minapur P.S. Case No. 404 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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