

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42141 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- UPHARA District- Aurangabad

Mukesh Kumar @ Mukesh Kumar Singh Son of Surendra Prasad @ Surendra Kumar @ Surendra Ram Vill.- Baghoi, PS- Haspura, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi w/o Binod kumar R/o -Dandwan , p.s.- Uphara , Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 22-09-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Uphara P.S. Case No. 97 of 2024 instituted for the offence under Section 87 of the Bharatiya Nyaya Sanhita, 2023.

3. As per prosecution case, it is alleged that the petitioner enticed the informant's daughter and took her away.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-03-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that petitioner never kidnapped the daughter of the informant and as a matter of fact, it is submitted that there is love affair between the petitioner and the daughter of the informant. It is next submitted that there is delay of 30 days in lodging the FIR. As per medical report, victim has refused for her medical examination. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has not whispered anything against the petitioner. Charge sheet has already been submitted in this case.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, taking into account the fact that victim has not whispered anything against the petitioner in her statement recorded under Section 183 of the BNSS, 2023 and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Uphara P.S. Case



No. 97 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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