

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47270 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- SISWAN District- Siwan

Rohit Kumar Singh S/O Dhurendra Singh Resident of Village- Subhakar Chapra Dih (Subhankar Chhptra), P.S- Siswan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending arrest in connection with Siswan P.S. Case No. 24 of 2025 lodged on 01.02.2025, for the offence punishable under Sections 137(2) & 87 of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner against whom there is an allegation that they have kidnapped the informant's niece (*bhanji*) and held her at a separate location.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that in this case, FIR has been lodged under Sections



137(2) & 87 of the B.N.S. Counsel submits that section 137(2) of the B.N.S., 2023 states that *“Whoever kidnaps any person from India or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”* Counsel submits that in the schedule of B.N.S, the said offence is cognizable and bailable in nature, whereas, section 87 of the B.N.S. i.e. kidnapping, abducting or inducing woman to compel her marriage, etc. is cognizable and non-bailable in nature. Counsel submits that in the entire FIR, there is no allegation of kidnapping or abduction on the pretext of marriage. Counsel submits that the recovery of victim girl has been made and her statement under section 183 of the B.N.S.S was recorded in which she has not disclosed the ingredients of section 87 of the B.N.S. He submits that only ingredients of section 137(2) of the B.N.S., may be asserted which is bailable in nature. Counsel further submits that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is allegation against the petitioner of kidnapping.

6. As such, in the present facts and circumstances of this case, considering that the ingredients of section 87 of the



B.N.S. is lacking in this case and only ingredients of section 137(2) of the B.N.S is present which is bailable in nature, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of A.C.J.M.-V, Siwan, in connection with Siswan P.S. Case No. 24 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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