

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47184 of 2025

Arising Out of PS. Case No.-238 Year-2024 Thana- SARSI District- Purnia

Md. Samir S/o Md. Siraj R/o Village- Sarsi Muslim Tola, PS- Sarsi, Distt-
Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar Yadav S/o Late Mahadeo Yadav R/o vill - Kadarganj, P.S.-
Sarsi, Distt.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rounak Kumar Singh Pankaj, Advocate
Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anant Kumar I, APP

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

ORAL ORDER

4 09-10-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Special
Case No. 56 of 2025, arising out of Sarsi P.S. Case No. 238 of
2024 instituted for the offence under Sections 137(2) & 96 of
the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution story, in brief, is that on
16.12.2024, the informant's 14-year-old daughter went to the
field and did not return. During the search, it was learnt that Md.
Samir (petitioner) had taken her away with intent to marry,
aided by his brothers.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 21.12.2024. 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. 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 and she went with the petitioner at her own will. As per medical report, the age of the victim was found between 17 to 19 years.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim is minor and she was found pregnant during her medical examination. It is lastly submitted that charge sheet in this case is submitted under Sections 137(2), 96 & 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act, thereafter, court below has framed charge in this case.

7. Considering the aforesaid facts and circumstances of the case and taking into account the nature and gravity of the offence as also the victim being minor, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the



petitioner is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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