

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47732 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Ashutosh Mishra @ Aashutosh Mishra @ Aashutosh Mishra S/O Shatrughan
Mishra Resident of Village- Daleya, P.S- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Harendra Dubey S/O Late Ramashankar Dubey Resident of Village- Burhi,
P.S- Kuchaikote, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the State : Mr.Chandra Bhushan Prasad, APP

For the Informant/O.P.No.2: Mr. Sumit Shekhar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel appearing on behalf
of the informant/opposite party no. 2.

2. In the present case, the petitioner seeks bail in
connection with Kuchaikote P.S. Case No. 49 of 2025 registered
for the alleged offences under Section 87 of BNS.

3. As per prosecution case, the petitioner enticed away
the minor daughter of the informant and established physical
relationship with her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case as the victim girl liked the petitioner and went to live with him against the will of her parents and guardians. From the statement recorded under Sections 180 and 183 of BNSS, it is apparent that the petitioner did not kidnap her. She voluntarily left her house. The medical report of the victim shows the victim girl was not subjected to sexual assault. After recovery of the victim girl, she was produced before the learned trial court and her statement under Section 183 of BNSS was recorded. But the parents of the victim girl ousted her from their house and now the victim girl has been staying in the house of the petitioner. The petitioner is having clean antecedent. The petitioner is in custody since 19.03.2025 and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner is a married person and he enticed away the minor daughter of the informant and from her statement recorded under Section 183 of BNSS, it is evident that the petitioner forcibly established physical relationship with the daughter of the informant. Learned counsel



further submits that the medical examination of the victim was done long time after institution of FIR and hence, no injury could be observed.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned Court in connection with Kuchaikote P.S. Case No. 49 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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