

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46139 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- BAKHARI District- Begusarai

Badal Kumar S/o Jitendra Paswan R/o Village- Ratan, Udanchak, P.S.- Bakhri
(Bakhari), District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusubu Devi W/o Indal Paswan R/o Village- Ratan, Udanchak, Ward No. 09, P.S.- Bakhri (Bakhari), District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

5 03-11-2025 Heard learned counsel for the petitioner and learned
APP for the State. In spite of valid service of notice, no one
appears on behalf of the O.P. No.2.

2. The petitioner seeks bail in connection with Bakhri
(Bakhari) P.S. Case No. 10 of 2025 instituted for the offences
under Sections 87, 137(2), 303(2), 3(5) of Bhartiya Nyaya
Sanhita, 2023.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping the minor daughter of the Informant
from her coaching center. It is further alleged that when the
informant came to her house, she found that some gold
jewellery along with Rs. 30,000/- cash was also missing.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is delay of four days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The informant is not the eye-witness to the alleged occurrence as the informant was not present on the alleged date and time of occurrence. The doctor has examined the victim girl finding no evidence of recent sexual assault upon the victim. The doctor has also found the age of the victim girl in between 15 to 17 years. There was a love affair between the petitioner and the victim girl. The petitioner has no criminal antecedent and is languishing in judicial custody since 11.01.2025 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature as the victim girl is minor. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 96, 64, 126(2), 115(2), 351(2), 352(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section



4/8 of the POCSO Act. The victim girl in her statement recorded under Section 183 of the B.N.S.S. has fully supported the prosecution case. She has also made allegation of sexual assault against the petitioner and, hence, the petitioner does not deserve bail.

6. Having heard learned counsel for the parties and taking into account the gravity and nature of the offence as also the materials available in the case diary, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

