

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50749 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- Khesar District- Banka

Nitish Das @ Nitish Kumar Das S/O Ashok Das Village- Madhuwan, Police Station- Khesar, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nakul Paswan S/O Late Raju Paswan Village- Madhuwan, Police Station- Khesar, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 14-10-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Khesar P.S. Case No. 29 of 2025 instituted for the offences under Sections 87 of the Bharatiya Nyaya Sanhita, 2023 and 8 of the POCSO Act.

3. Accusation against the accused persons including the petitioner is of kidnapping the informant's minor daughter.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that victim in her



Statement recorded under Section 183 of the BNSS has specifically stated that she left her house on her own sweet will and this petitioner never gave any compulsion or threat to her. He further submitted that nothing has been whispered against the petitioner in Section 183 BNSS statement of the victim. Learned counsel further submitted that victim has herself stated that she was in love with the petitioner and had also solemnized marriage with the petitioner. Learned counsel further submitted that police, after completion of investigation submitted charge-sheet against the petitioner under Section 96 of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the POCSO Act. Learned counsel further contended that there is no ingredient of Section 96 of the Bharatiya Nyaya Sanhita, 2023 in the statement of the victim recorded under Section 183 of the Bharatiya Nagarika Suraksha Sanhita, 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.04.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no ingredient of Section 96 of the



Bharatiya Nyaya Sanhita against the petitioner in Section 183 BNSS statement of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khesar P.S. Case No. 29 of 2025, 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)

Alok Verma/-

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