

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51345 of 2025**

Arising Out of PS. Case No.-34 Year-2025 Thana- BAHADURGANJ District- Kishanganj

Babul @ Md. Babul S/O Late Mehdi Hussain @ Mehendi Hussain Village-
Bahadurganj Bazar, Ward No. 08, P.S.- Bahadurganj, Distt.- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Singh S/o Late Narsingh Prasad Singh R/O Vill.- L.R.I.
Chowk, Ward no. 16, P.S.- Bahadurganj, Dist.- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha
		Mr. Diwakar Sinha
For the Opposite Party/s	:	Mr.Md. Fahimuddin

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 137(2), 140(3), 96 of the
B.N.S. and Section 12 of the POCSO Act.

3. The allegation in the first information report is that
the daughter of the informant was allured by the petitioner
Babul on 17.01.2025 and was taken away in which his family
had also aided him.

4. Learned counsel for the petitioner submits that the
petitioner and the informant's daughter were in love relationship



which fact is also being indicated by the narration in the FIR. It is further submitted that the statement of the victim girl was recorded under Section 180 of the B.N.S.S. after the recovery wherein she has made a categorical statement that she had gone along with the petitioner as a result of a planning without telling any body at home to Ludhiyana where they started staying together and it is only after phone call received on 23.01.2025 that they had to come back for signing some documents, whereafter the petitioner was taken into custody. It has further been submitted that the statement of the victim girl under Section 183 of the B.N.S.S. changed to a considerable extent which was a result of tutoring as the same was recorded almost about two months after her recovery. It has also been pointed out that in the 183 statement of the victim itself it has been recorded that the victim is suffering from fracture in leg hand, waist and back bone and the same fact has also been recorded in paragraph-69 of the case diary and on such basis, it has been submitted that she was actually assaulted and tortured in order to make a statement to the liking of the informant. However, in the said statement, she has categorically denied of any bad act being done with her and with regard to the petitioner, it has only been stated that he had scolded her and threatened her. Further,



the petitioner is languishing in judicial custody since 25.01.2025 and he is a young boy aged about 22 years with no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the grant of bail on amongst others the ground that the victim is a minor girl who was allured and kidnapped by the petitioner and the said fact of kidnapping has been supported by the victim in her statement under Section 183 of the B.N.S.S.

6. Taking into consideration the rival contentions and also taking into consideration that there is conflict between the statement of the victim girl under Section 180 and 183 of the B.N.S.S. and while the statement before the police was recorded immediately after her recovery, the statement under 183 of the B.N.S.S. was recorded two months thereafter giving a scope of tutoring and the victim has also made statement that she had come to the Court along with her father which further reiterates the possibility of tutoring, coupled with the fact that there is no allegation of any assault upon the victim much less a sexual assault, let the above named petitioner, who is in custody since 25.01.2025 with no criminal antecedent, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bahadurganj P.S. Case No. 34 of 2025, subject to the conditions that:

(I) One of the bailors would be the family member or relative.

(II) The petitioner would appear physically on each and every date in the learned court below and would cooperate in the conclusion of trial and if the petitioner does not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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