

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54075 of 2025

Arising Out of PS. Case No.-495 Year-2024 Thana- HARNAUT District- Nalanda

Bunty Kumar @ Chhotu S/O Sunil Yadav @ Sunil Kumar R/O Village-
Mushahri, PS- Harnaut (Chero), Distt.- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Pandey S/o Vinod Pandey R/O Village and Post- Badi Mudhari, P.S-
Harnaut, Distt.- Nalanda, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajoday Satyjeet, Adv.
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP
For the O.P. No.2	:	Mr. Navneet Kumar, Adv.

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

ORAL ORDER

3 11-11-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with POCSO
Case No. 197 of 2024 (supplementary) corresponding to
Harnaut P.S. Case No. 495 of 2024 instituted for the offences
under Sections 96, 303(2), 3(5) of the B.N.S. and subsequently
Section 70(2) of the B.N.S. and Section 4/6 of the POCSO Act.

3. The prosecution case, in short, is that the
Informant's sister went missing along with some ornaments
from home since 03.00 PM on 17.12.2024. The Informant has
apprehension that the accused namely Pankaj Kumar and Amit



Kumar have kidnapped the Informant's sister with the help of some other persons.

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 due to ill motive. The petitioner is the son of the Dhaba owner and has no relation with the other accused. Learned counsel for the petitioner further submits that the victim was recovered on 21.12.2024 but, her statement was recorded on 24.12.2024 without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. Except the statements of the victim, there is nothing adverse against the petitioner. Several witnesses have not supported the prosecution case. The petitioner is not named in the F.I.R. but, the victim girl in her statement under Section 180 of the B.N.S.S. has named the son of the owner of *Baba Dhaba* as accused. Learned counsel for the petitioner further submits that the victim girl in her statements recorded under Sections 180 and 183 of the B.N.S.S. has not supported any part of the occurrence as alleged in the F.I.R. The petitioner has no criminal antecedent and is languishing in judicial custody since 19.06.2025 without any rhymes or reason.



5. At this stage, learned counsel for the petitioner submits that the trial is going on and two witnesses have already been examined by the learned court below.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl in the statements recorded under Sections 180 and 183 of the B.N.S.S. has stated that son of owner of the *Baba Dhaba Hotel* also sexually assaulted her. From Para 98 of the case diary, it appears that the victim has identified the petitioner as son of owner of *Baba Dhaba Hotel* of being indulged in the alleged offence. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the co-accused Sudama Kumar @ Sudama Paswan under Sections 70(2), 98 of the B.N.S. and Section 4/6 of the POCSO Act and Section 3/4/5 of the Immoral Trafficking Act and also found the case true against the petitioner along with other co-accused persons.

7. Having heard learned counsel for the parties and taking into account the nature and gravity of the offence as also the materials available in the case diary coupled with the fact that the trial is going on, this Court is not inclined to grant bail



to the petitioner.

8. 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)

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