

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58650 of 2025

Arising Out of PS. Case No.-172 Year-2025 Thana- KASBA District- Purnia

Md. Shahnawaz @ Sanno son of Md. Chulahi village- Sikarpur Diari Ward no. 10, Ps- Kasba, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shehnaz Khatoon Wife of Abdul Shubhan village- Sikarpur Diari Ward no. 10, Ps- Kasba, Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Adv.
For the Opposite Party/s	:	Mr. Upendra Kumar, Adv.
For the Informant	:	Mrs. Niharika Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 15-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with Kasba P.S. Case No. 172 of 2025 registered for the offence under Sections 96, 3(5) of BNS and Section 8 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 09.07.2025.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant aged about 17 years for the purpose of illicit intercourse and marriage with another person.

5. Learned counsel appearing on behalf of the



petitioner submitted that the statement of victim / daughter of the informant recorded after recovery under Section 183 of BNSS where she categorically stated that she left her parental house with petitioner to solemnize “*nikaah*” out of her own sweet will. It is pointed out that she completely negate the allegation of sexual assault *qua* kidnapping against petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and remains in custody for more than 3 months though victim could not examined before learned trial court, in view of section 35(1) of POCSO Act, and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mrs. Niharika Rani learned counsel for the informant while opposing the prayer of bail submitted that as per FIR, the allegation of kidnapping is specific against this petitioner, however, she could not disputed the factual submission as advanced by learned counsel for the petitioner.

7. In view of aforesaid factual submission and by



taking note of fact as victim while recoding her statement under Section 183 of BNSS completely negate the allegation of kidnapping *qua* sexual assault against petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 09.07.2025, accordingly petitioner above named, is directed to be released on bail in connection with Kasba P.S. Case No. 172 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned VI Addl. Sessions Judge cum Special Judge (POCSO Act), Purnia /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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