

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57527 of 2025

Arising Out of PS. Case No.-250 Year-2025 Thana- BHAGWAN BAZAR District- Saran

Vishnu Kumar Sharma Son of Satya Narayan Sharma R/o Village- Rampur
Kothi, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandeep Kumar Soni Son of Late Om Prakash Sah R/o Village - Aruan, P.S.
- Bhagwanpur Hat, Dist. - Siwan, present address - Shyamchak, P.S. -
Bhagwan Bazar, Dist. - Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 15-12-2025 Heard learned counsel for the petitioner, learned
counsel for the informant learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 87 of B.N.S.

3. The case of the prosecution is that the minor
daughter of the informant was kidnapped by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. During
course of investigation, the victim has given her statement under
Section 183 of B.N.S.S. wherein she has stated that she has
solemnized with the petitioner with her own will. She has also
given her statement under Section 180 of B.N.S.S. wherein also,



she has stated that she went with the petitioner and at Mahendranath Temple, they have solemnized marriage. Learned counsel for the petitioner has submitted that during course of investigation, it has come that the date of birth of the victim is 02.12.2006 and it has also been submitted that learned trial court has relied on the certificate issued by CBSE Board. In view of Section 94 of J.J.B Act, birth certificate issued by Competent Authority is the first requirement for assessing the age and this birth certificate was issued on 05.12.2006 i.e., in the year of the birth of the victim, this birth certificate is not objected. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.05.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail. It has been submitted by learned counsel for the informant that the way, birth certificate has been procured is dubious. Learned counsel for the informant has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder,



dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

6. This suggestion is only regarding serious offences like rape, murder and dacoity and the case in hand does not fall in any of such category of cases. It is a simple case of elopement.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bhagwan Bazar P.S. Case No. 250 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.II, Saran, Chapra.

(Ashok Kumar Pandey, J)

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