

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59121 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- PANDAUL District- Madhubani

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Brajesh Kumar S/o Shobha Yadav, R/o Village- Basatpur, P.S.- Pataur,
District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar
2. Manisha Kumari, D/o Bali Paswan R/o Village-Bucchama Lalu Nagar, P.S.-
Sadar, Dist.- Darbhanga.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Gagandev Yadav, Advocate
		Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s :		Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 27-11-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Pandaul P.S. Case No.91 of 2025 registered for the

offences punishable under Sections 126(2), 127(2), 127(3),

118(1), 109, 137(2), 87 and 64 read with 3(5) of the

Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and

is in custody since 05.07.2025.

4. Allegation against petitioner is to kidnap the

informant and, thereafter, to establish physical relationship on



false pretext of marriage.

5. It is submitted by learned counsel appearing for petitioner that as per statement of victim recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), she was in affair with co-accused Krishna Bhagat with whom she was in live-in relationship for long two years prior to lodging this FIR. It is submitted that no allegation *qua* kidnapping or sexual assault appears raised by victim through her statement. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Arguing further, it is submitted that despite custody of four months, even victim could not be examined by learned trial court within the meaning of Section 35(1) of the POCSO Act.

7. Learned APP opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by



taking note of statement of victim recorded under Section 183 of the BNSS, where she completely negate the allegation of sexual assault and also kidnapping *qua* petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 05.07.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhubani in connection with Pandaul P.S. Case No.91 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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