

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58259 of 2025

Arising Out of PS. Case No.-432 Year-2025 Thana- ALAMGANJ District- Patna

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Bittu Kumar @ Kartik Kumar S/O Pappu Ravidas R/O Mohalla- Marapura
Brahamsthan, Bihar Sharif, P.S - Laheri, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Radha Devi W/O Ballu Kumar R/O Mohalla- Bhadra Ghat, Kunjgali, P.S-
Alamganj, Distt.- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-11-2025 Heard learned counsel appearing on behalf
of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in
connection with Alamganj P.S. Case No. 432 of
2025 registered for the offences under Sections
137(2) & 96 of the Bhartiya Nyay Sanhita, 2023 (in
short, the 'B.N.S.').

3. The accused/petitioner is named in the
First Information Report and is in custody since
28.04.2025.

4. Allegation against the petitioner is to
kidnap the minor daughter of the informant aged
about 16 years whereafter she was subjected to



sexual assault.

5. It is submitted by learned counsel appearing on behalf of the petitioner that statement of victim, which was recorded under section 183 of the B.N.S.S., categorically suggest that the daughter of the informant went to the house of this petitioner on her own sweet-will being her first cousin as petitioner is son of own sister of the informant. It is submitted that she had visited the house of the petitioner as she failed to get a good result. It is also pointed out that she returned home on 27.04.2025 on her own.

6. Arguing further, it is submitted that informant filed a petition before the court of learned A.C.J.M.- VI, Patna City, wherein she stated that out of certain confusion, petitioner was implicated in this case and further denied the occurrence in totality.

7. In this context, it is also submitted that even the victim was not examined by the learned trial court despite custody of petitioner for about seven months, which clearly defeating the



provision of law as available under section 35(1) of the POCSO Act. It is submitted that charge-sheet in this case was not submitted under POCSO Act.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by taking note of the fact as the victim herself denied the allegation of kidnapping and sexual assault *qua* petitioner, coupled with the fact that investigation of this case is already completed, where petitioner, who is a man of clean antecedent, remains in custody since 28.07.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Patna City/concerned court, in connection with Alamganj P.S. Case No. 432 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").



10. In view of the aforesaid, I.A. No. 01 of 2025, which was filed for early hearing, stands disposed of.

(Chandra Shekhar Jha, J)

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