

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70674 of 2025

Arising Out of PS. Case No.-238 Year-2025 Thana- ALAMGANJ District- Patna

Nishu Kumar S/o Sri Manoj Saw, R/o Village - Ajgara @ Ajagadha, P.O -
Ajgara, P.S - Chaturbhujpur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi W/o Pappu Kumar, R/o Village - Gurki Mandi Pitambra Asthan,
P.S - Alamganj, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the State : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Alamganj P.S. Case No. 238 of 2025 dated
03.03.2025, registered for the offences punishable under
Sections 137(2) and 96 of B.N.S., 2023.

3. As per F.I.R., the daughter of the informant went
missing and hence, F.I.R. was lodged against unknown persons.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that as a matter of fact, the alleged
victim girl is major, above 18 years of age and she had come to



him on her own and both of them solemnized marriage in a temple. He further submits that the alleged victim has given her statement under Section 183 of BNSS, in which she has clearly stated that she was not kidnapped by any person and she had gone to the petitioner on her own and married him. Such contention of the petitioner also gets support from the order dated 20.08.2025 passed by Court below, in which it has been stated that as per statement of the victim girl, she was not kidnapped and she has married the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the statement as made by the alleged victim girl under Section 183 BNSS, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Alamganj P.S. Case No. 238 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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