

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77247 of 2025

Arising Out of PS. Case No.-212 Year-2024 Thana- SHANKARPUR District- Madhepura

Nitish Kumar Ram @ Nitish Kumar Son of Kriti Ram Resident Of Village-
Basantpur, Ward No 15, Ps -Shankarpur, District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.

Md. Raghieb Alam, Adv.

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 By means of this bail application, petitioner, who is involved in connection with Shankarpur P.S. Case No. 212 of 2024, District- Madhepura, registered for the offences punishable under Sections 137(2), 140(3), 96, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the Informant/ Complainant, who is the mother of the victim, got the F.I.R. registered against the petitioner stating *inter alia* that on 26.11.2024, while she had gone to sell vegetable in village Basantpur, the petitioner abducted her daughter aged about 17 years.

4. It is argued by learned counsel for the petitioner, that petitioner has been falsely implicated in this case. It is



further submitted that after recovery of the victim, her medical examination was conducted in which her age was found between 17-19 years and, thereafter, her statement under Section 183 of the B.N.S.S., 2023 was also recorded, in which she has not supported the prosecution case and stated *inter alia* that she herself left her house. Much emphasis has been given by contending that both, the alleged victim and petitioner are major. On account of love affair between the petitioner and the victim, the victim herself left her house and had gone with the petitioner. Learned counsel for the petitioner further submits that in the light of the statement of victim recorded under Section 183 of the B.N.S.S., there is bleak chance of conviction of the petitioner, hence, he may be enlarged on bail. The petitioner, has no criminal history to his credit. Lastly, it is submitted that petitioner is languishing in jail since 06.07.2025 and, in case, he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner, but does not dispute that as per medical report, the age of the victim was found between 17-19 years and she has also not supported the prosecution case in her statement



recorded under Section 183 of the B.N.S.S.

6. Having heard the submissions of learned counsel for the parties and looking to the facts of the case as noted above, I find that there is no dispute about the statement of the victim that she has not supported the prosecution case. The investigation has been completed and charge-sheet has also been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 06.07.2025, has made out a *prima facie* case for bail.

8. Accordingly, the bail application of the petitioner



stands allowed.

9. Let the petitioner, above named, be released on bail in the aforesaid case on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without



granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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