

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85030 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- NEMDARGANJ District- Nawada

Gaurav Kumar @ Gaurav Raj S/o Virendra Prasad Yadav R/o- Nemdarganj,
PS - Nemdarganj, District - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Late Shyam Sunder Yadav R/o - Jafra, P.S - Nemdarganj, District - Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Saroj Kumar Choudhary, Advocate Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 16-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Nemdarganj P.S. Case No. 44 of 2025 registered for the offence punishable under Sections 126(2), 117(2), 303(2), 137(2), 65(1), 96 of the B.N.S., 2023 and Section 4 of the POCSO Act.

3. The case of the prosecution in short is that the petitioner has kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner submits that during the course of investigation, the victim has given her statement recorded under Sections 180 and 183 of the BNSS. The statement of the victim recorded under Section 180 of the BNSS is annexed as *Annexure-P/2*. In her statement under Section 180 of the BNSS, she has stated that she has gone with the petitioner to Patna; there the petitioner has taken a room on rent and lived there for two days. From there, the petitioner called her to Nawada. The petitioner was present there already. In her statement under Section 183 of the BNSS, she has stated that the petitioner has taken her away from her house on the false promise of marriage and that she was kept in a room at Gandhi Maidan, Patna, where petitioner established a physical relationship with her. She has also stated in her statement under Section 183 of the BNSS that she is willing to marry the petitioner. Learned counsel for the petitioner has submitted that the statement under section 183 of the BNSS is development. It is the later statement of the victim, whereas the statement under section 180 is the previous statement wherein she has stated that she has gone with the petitioner and no force was applied. He further submits that the petitioner is languishing in judicial



custody since 27.06.2025.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of two cases.

6. 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-VI-cum-Special Judge, (POCSO Act), Nawada, Bihar in connection with Nemdarganj P.S. Case No. 44 of 2025.

(Ashok Kumar Pandey, J)

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