

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1040 of 2026

Arising Out of PS. Case No.-185 Year-2025 Thana- SUPAUL District- Supaul

NITISH KUMAR S/O BIRENDRA YADAV R/o vill - Amha, ward no. 7, P.s.-
Laukha, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Raushan S/o Ravindra Prasad Yadav R/o vill - Hardi Paschim, ward
no. 11, P.s. and Distt.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Murari Narain Chaudhary, Adv.
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP
For the O.P. No.2	:	Mr. Ranjay Kr. Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 27-02-2026 This case is being heard on the basis of mentioning
slip.

2. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party
no.2.

3. A prayer for bail has been made on behalf of the
petitioner in connection with POCSO Case No.114 of 2025
arising out of Supaul P.S. Case no.185 of 2025 registered under
sections 64 and 96 of BNS, 2023 and Section 4 and 6 of
POCSO Act.

3. Allegation in the F.I.R is that petitioner kidnapped
the informant's daughter for the purpose of marriage.



4. Learned counsel for the petitioner submits that the present case arises out of love relationship between the petitioner and the victim. After recovery of the victim, her statement was recorded under Section 183 of BNSS wherein she has stated that she left her house out of her own free will with the petitioner and they solemnized marriage and living happily together as husband and wife and upon coming to know that her parents had lodged the present case, she returned along with the petitioner. Learned counsel for the petitioner further submits that medical examination of the victim also indicates that her age is between 16 to 18 years. The petitioner is in custody since 09.06.2025 and has no criminal antecedent. Further, charge has been framed on 27.11.2025.

5. The application for bail is opposed by learned A.P.P. for the State as also learned counsel for the opposite party no.2 on the ground that the petitioner had allured the victim and had taken her away for the purpose of marriage.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the statement of the victim given under Section 183 of BNSS and not putting any allegation on the petitioner coupled with the fact that petitioner has no criminal antecedent and charge-sheet has been submitted



in the case, the petitioner is directed to be enlarged on bail in connection with POCSO Case No.114 of 2025 arising out of Supaul P.S. Case no.185 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court.

(Soni Shrivastava, J)

Harsh/-

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