

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2438 of 2026

Arising Out of PS. Case No.-57 Year-2024 Thana- JHAROKHAR District- East Champaran

Vishal Kumar S/o Jamadar Singh R/o Village- Sundarpur, P.S- Jharokhar,
Dist- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brij Kishore Prasad S/o Late Ramsnehi Prasad R/o Village- Sundarpur, P.S- Jharokhar, Dist- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s :	Md. Mushtaque Alam APP
	Mr. Sanjeev Kumar, Advocate
	Mr. Sitesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Jharokhar P.S. Case No. 57 of 2024, dated 11.12.2024 initially registered under Section 96 of the *Bharatiya Nyaya Sanhita*, 2023. Later on, charge-sheet has been submitted under Sections 137(2) and 96 of the BNS as well as Section 8 of the POCSO Act.

3. The allegation against the petitioner is that he kidnapped the minor daughter of the informant by influencing her for the purpose of marriage. It is further alleged that when the informant visited the house of the accused persons and



inquired about his minor daughter, the accused persons refused to return her.

4.Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the present case arises out of personal enmity on account of the petitioner's relationship with the elder daughter of the informant, namely Vinita Kumari aged about 19 years.In this regard, it is submitted that the said Vinita Kumari has lodged an FIR against her father (the present informant) and others after about eight months of the alleged occurrence, being Jharokhar P.S. Case No. 120 of 2025, for the offences punishable under Sections 126(2), 127(2), 115(2), 352, 351(2),and 3(5) of the BNS. Learned counsel further submits that a bare perusal of the said FIR would indicate that elder daughter of the informant, namely,Vinita Kumari has unequivocally admitted that she was in a consensual relationship with the petitioner which she continued against the wishes of her parents and she had gone to the petitioner's house on her own free will on 24.08.2025. It is also stated therein that she was assaulted by her sisters for this the informant has lodged this false and fabricated case on the basis of a concocted story merely to harass the petitioner with *mala fide* intention. It is



further submitted that the allegation of rape against the petitioner is not supported by any cogent material. It is also submitted that paragraph 170 of the case diary reveals that the SIM card in- question, was provided by one Sunita Devi, wife of Amod Singh, who is a co-villager. Learned counsel further submits that as per paragraph 83 of the case diary, the age of the victim has been assessed by the doctor to be between 18 to 20 years. The petitioner is stated to be an SSB Jawan is in custody since 17.10.2025 and has no criminal antecedents.

5. On the other hand, learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail. It is submitted that there is specific allegation against the petitioner of committing rape upon the minor daughter of the informant. It is further submitted that the victim was examined under Section 183 of the B.N.S.S., wherein she has supported the prosecution case. It is also submitted that as per the School Transfer Certificate, her date of birth is recorded as 05.05.2010 and, thus, she was a minor at the time of occurrence.

6. Having heard learned counsel for the parties and on perusal of the materials on record, this Court finds that the present case appears to have arisen out of strained relations



between the parties particularly, in view of the FIR lodged by the informant's elder daughter, wherein she admitted to having a consensual relationship with the petitioner. The materials in the case diary further indicate that the allegation against the petitioner is mainly based on the use of a mobile phone and the SIM card in- question was not issued in his name. It also transpires that the victim's age has been medically assessed to be between 18 and 20 years. Considering the aforesaid facts, the nature of allegations, and the period of custody of the petitioner since 17.10.2025 along with his clean antecedents, this Court is inclined to grant bail to the petitioner.

6. Let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th District and Additional Sessions Judge-cum- Exclusive Special Judge POCSO, East Champaran Motihari, Bihar in connection with Jharokhar P.S. Case No. 57 of 2024, subject to the condition: (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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