

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2661 of 2026

Arising Out of PS. Case No.-302 Year-2025 Thana- KHAGARIA District- Khagaria

Mahesh Kumar S/o Garib Rajak @ Garibnath @ Garibnath Chaudhary R/o
Village - Imamganj, P.S - Sadar, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

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

2. The petitioner seeks regular bail in Khagaria P.S.
Case No. 302 of 2025 dated 07.10.2025 registered under
Sections 137(2), 140(3) and 3(5) of the *Bharatiya Nyaya
Sanhita, 2023*.

3. The prosecution case, in brief, is that the
informant's daughter went to Khagaria to attend a fair and went
missing after separating from her friends at Rajendra Chowk. It
is alleged that she later made a video call stating that she was
not in full consciousness and was being confined by unknown
persons. However, despite best efforts using mobile location
tracking, her whereabouts could not be traced. The informant
suspects that certain unknown persons have abducted and



confined her at an unknown place, thus putting her life and personal safety at risk.

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 only allegation against the petitioner is that his mobile phone was used to speak with the victim girl. It is further submitted that, in fact, the victim had voluntarily gone with the co-accused, Rahul Gupta. The victim was, subsequently, recovered and her statement was recorded under Section 183 of the B.N.S.S., wherein, she categorically stated that she is a major and was in a love relationship with Rahul Gupta. She further stated that she had gone to Punjab with him on 02.11.2025, where she solemnized marriage with him and was residing with him and no one had kidnapped her. Learned counsel also submits that as per the School Transfer Certificate the date of birth of the victim is recorded as 05.02.2003 and on the date of occurrence, she was aged about 22 years, 8 months and 2 days. This fact has also been mentioned in paragraph 49 of the case diary. Lastly, it is submitted that the petitioner is in custody since 11.10.2025 and has one criminal case pending against him.

5. Learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 C.J.M. Khagaria in connection with Khagaria P. S. Case No. 302 of 2025.

7. The application stands allowed.

(Khatim Reza, J)

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