

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3369 of 2026

Arising Out of PS. Case No.-89 Year-2025 Thana- SUIYA District- Banka

Shahbaz @ Raja Babu @ Md. Sohrab Ansari S/O Mansur Ansari R/O Village-
Dumariya, P.S.- Suiya, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/O Mangu Yadav R/O Village- Ojhabathan, P.S.- Suiya, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr.Adv
	:	Mr. Brij Nandan Prasad, Adv
For the Opposite Party/s	:	Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 05-05-2026 Heard learned Senior counsel for the petitioner and

learned A.P.P for the State as well as learned counsel for the

Opposite Party No. 2.

2. The petitioner has preferred this application for
grant of regular bail in connection with Suiya P.S. Case No. 89
of 2025 registered for the offences punishable under Sections 96
of the B.N.S., and Section 87 of the BNS & 8 of the POCSO
Act.

3. As per the prosecution case, this petitioner
kidnapped the minor daughter of the informant.

4. Learned Senior counsel for the petitioner has
submitted that the petitioner is innocent and has falsely been
implicated in this case. It has further been submitted that the



statement of the victim recorded under Section 183 BNSS statement goes to show that she was a consenting party, she moved out of the house with the petitioner, stayed at Delhi and while she was sitting in the park, two persons came and took her to the local police station. Learned Senior counsel for the petitioner has submitted that as per the radiological examination the age of victim was assessed to be 17 to 19 years. It has further been submitted that there is no element of “enticing away or taking away” as provided under Section 137 Clause 2 BNS to constitute offence under Section 96 BNS. It has further been submitted that the victim is not of such tender age so as to not understand the consequences, although chargesheet was submitted under Section 96 of BNS and 8 of the POCSO but cognizance of the offence was taken under Section 87 BNS and 8 of the POCSO. It has further been submitted that in view of Section 35 of the POCSO Act, the trial is likely to be delayed inordinately. It has lastly been submitted that the petitioner has got no criminal antecedent and is in custody since 25.09.2025.

5. Learned APP for the State as well as learned counsel for the O.P. No. 2 has vehemently opposed the prayer for bail of the petitioner. Learned counsel for the O.P. No. 2 has submitted that as per the school certificate the victim was aged



about 16 years and 8 months on the date of alleged occurrence. It has been further submitted that the petitioner was already married from before and it was his clear intention that he would be kidnapping the minor daughter for illegal purposes as there is allegation of kidnapping against him.

6. Considering the aforesaid submissions of the parties and taking into account the facts and circumstance of the case, as well as the statement of the victim recorded under Section 183 BNSS as well as under Section 180 BNSS, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Suiya P.S. Case No. 89 of 2025.

7. The application stands allowed.

(Praveen Kumar, J)

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