

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6045 of 2026

Arising Out of PS. Case No.-229 Year-2025 Thana- NAUHATTA District- Saharsa

Abdul Kasif @ Abdul Kashiph Son of Md. Kalimullah Resident of Village-
Basbiti, Ward No. 7, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Y R/o Village- Mohanpur, Ward No.12, P.S.- Navhatta, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 137(2), 140(3), 96, 173(2) and 3(5) of B.N.S. and Section 12 of the POCSO Act.

3. The case of the prosecution is that some unknown miscreants have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that from perusal of the order of the learned trial court, it will transpire that the learned



trial court has recorded that the victim has given her statement recorded under Section 180 of BNSS wherein she has stated that her mother has fixed her marriage and she was not ready to marry. The marriage was fixed forcefully and she was not liking the boy. She was having affair with the petitioner and they were on talking term. They were willing to marry each other. On the date of the occurrence, she went to the Bus stand and from there, she went to Delhi. She has reached near Delhi Kashmiri gate on 05.12.2025. From there, she called Kashif and went to his room. She was there at his room for whole night and they had established physical relationship as well. It has further been submitted that the learned trial court has also recorded her statement recorded under Section 183 of BNSS wherein she has stated that she was in relation with the petitioner and her parents were forcefully solemnizing her marriage. She has further stated that there was physical relationship between them. Learned counsel has also submitted that from perusal of the order of the learned trial court, it is clear that the statements made by the victim under Sections 180 and 183 of BNSS go to show that she was kidnapped by anybody rather she had herself gone to Delhi and the relationship with the petitioner was her on will. She has left the house as her marriage was fixed with somebody else.



Moreover, the petitioner is languishing in judicial custody since 06.12.2025 having no criminal antecedent.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail.

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 released on bail in connection with Navhatta P.S. Case No. 229 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Saharsa.

(Ashok Kumar Pandey, J)

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