

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6546 of 2026

Arising Out of PS. Case No.-22 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Rupesh Kumar S/O Sone Lal Yadav Resident of Village- Mobarakpur, P.S-
Salkhua, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar
2. XXX D/O Ramesh Kumar S/O Late Kallar Mehta, R/O Village- Mahkhar
Ward No. 07, P.S- Bakhtiyarpur, Distt.- Saharsa.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-03-2026 Heard Mr. Kamal Kishore Singh, learned counsel

for the petitioner and Mr. Ram Bilash Roy Raman, learned

Additional Public Prosecutor for the State.

2. Despite valid service of notice, no one appeared on
behalf of O.P. No. 2.

3. Petitioner seeks bail who is in custody since
16.10.2025 in connection with Bakhtiyarpur P.S. Case No. 22 of
2025 for the offences punishable under Sections 137(2), 96 and
3(5) and Sections 8 and 12 of the POCSO

4. The prosecution case, in brief, is that one Ramesh
Kumar gave typed written application to the S.H.O,
Bakhtiyarpur police station on 16.1.2025 alleging there in that



her daughter (Victim) aged about 16 Years on 16.1.2025 at about 7:00 A.M went for some work. After some time, when she did not return then he and his other family members went out to search for his daughter and on query he came to know from the people gathered there that her minor daughter has forcibly been taken away in white colour Scorpio by Rupesh Kumar (Petitioner) Son of Sone Lal Yadav 2. Sonelal Yadav Son of Unknown resident of village- Mobarakpur, P.S.- Salkhua, District- Saharsa, alongwith two three of their associates. Since few months ago Rupesh Kumar used to call me from his different mobile numbers- 9311412515, 7209555741, 7991158712, 6201817272, 8948225090, 9279795605, 8540056051, 8434521007, 9102879071, 9661507537, 7061210671, 9791893018, 9279795605, 7061933080, 98013599886, 8881088438, 9279761895 on his mobile no. 9523658226 and 9534950259 and threatened if you will not marry your daughter Sivangi with him then the accused persons will his entire family members. It is further alleged that due to fear and prestige he has blocked all these mobile numbers. It is further alleged that after which her daughter was kidnapped by these people under a conspiracy and wrong intention. Thereafter he is afraid that these people can do some untoward incident



with her daughter. It is further alleged that her daughter has a mobile number 9534950259 which is continuously coming switched off. Hence, he respectfully tried to recover his daughter immediately.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that the statement of the victim was recorded under Section 183 of BNSS in which she has not supported the case of the prosecution.

6. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and that petitioner is a person with clean antecedent and also that the victim in her statement recorded under Section 183 of BNSS has not supported the case of the prosecution, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special



Judge, POCSO, Saharsa in connection with Bakhtiyarpur P.S.
Case No. 22 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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