

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6453 of 2026

Arising Out of PS. Case No.-49 Year-2021 Thana- SARMERA District- Nalanda

Nitish Kumar Son of Sitaram Chauhan R/o Village - Shekhada Bigha, Police
Station - Sarmera, District – Nalanda. Petitioner/s

Versus

1. The State of Bihar
2. XXX Son of YYY R/o Village - Shekhada Bigha, Police Station - Sarmera,
District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the O.P No.2	:	Mr. Vikash Kumar Nigam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2026 Heard Mr. Ajay Mukherjee, learned counsel for the

petitioner, Md. Matloob Rab, learned Additional Public

Prosecutor for the State as well as Mr. Vikash Kumar Nigam,

learned counsel for the Opposite Party No.2.

2. Petitioner seeks bail who is in custody since
03.12.2025 in connection with Sarmera P.S. Case No. 49 of
2021, F.I.R. dated 13.03.2021 for the offences punishable under
Sections 366(A) of the Indian Penal Code and Section 8 of
POCSO Act.

3. According to prosecution case, it is alleged that the
petitioner kidnapped his daughter for the purpose of marriage.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. Infact the petitioner was in love with the victim girl and he had performed marriage with the victim and now the couple is blessed with two children and apart from that the victim in her statement recorded under Section 164 Cr.P.C has stated that she has performed marriage with the petitioner and in the present case proceedings, O.P. No.2/victim has filed an affidavit stating therein that she is residing in house of the petitioner as his wife with full honor and dignity and the petitioner is in custody since 03.12.2025.

5. The learned Additional Public Prosecutor for the State as well as learned counsel for the Opposite Party No.2 have vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents.

6. Considering the aforesaid facts and circumstances, 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 District & Additional Sessions Judge-7-cum-Special Judge (POCSO), Nalanda, Bihar Shariff in connection with Sarmera P.S. Case No. 49 of 2021, 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 cancelled 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)

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