

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11693 of 2026

Arising Out of PS. Case No.-423 Year-2025 Thana- DAGARUA District- Purnia

Md. Israfil @ Israfil S/O Md. Jabbar Resident of Village- Lasanpur, Dogharia,
ward no. 09, P.S- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXX S/O YYY R/O Farakia, Near Khirdaha Pul, P.S- Dagarua, Distt.-
Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md Fazle Karim, Adv.
For the State	:	Mr.Rabindra Kumar, APP
For the Opposite Party No.2	:	Mr.Manish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

4 05-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Dagarua
P.S. Case No. 423 of 2025 instituted for the offences under Section
96 of the Bharatiya Nyaya Sanhita and Section 12 of POCSO Act.

3. The allegation is that the petitioner kidnapped the
daughter fo the informant. The girl no doubt was aged about 15 years
and 11 months at the time of occurrence and the boy is aged about 25
years. In her statement under Section 183 of BNSS, the girl has
stated that she had left the house at her own free will.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the present
case. The petitioner is in custody since 17.11.2025 and has got no
criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed
the prayer for grant of bail to the petitioner.



6. It seems that there is no allegation that the petitioner had any role to play in the girl leaving the house. Thus, this is not a case of enticing away the girl. In terms of judgment of *S Varadarajan vs. State of Madras* reported in *AIR 1965 SC 942* no case of kidnapping is made out against the petitioner. Thus, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge POCSO),Purnea/concerned Court in connection with Dagarua P.S. Case No. 423 of 2025.

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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