

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11500 of 2026

Arising Out of PS. Case No.-231 Year-2025 Thana- KUMAR KHAND District- Madhepura

Bhavesh Kumar S/o Binod Yadav @ Vinod Kumar Yadav R/o Vill- Yadupatti,
P.S.- Kumarkhand, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 01-04-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kumarkhand P.S. Case No.231 of 2025, F.I.R dated 04.10.2025 registered for the offences punishable under Sections 137(2) and 96 of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant, Prabhash Kumar, lodged a written report before the Officer-in-Charge of Kumarkhand Police Station stating that his daughter, Riya Kumari, had gone to attend a fair with her friend on 03.10.2025 at about 2:00 PM, but did not return home thereafter. Despite efforts made by the informant to search for her, she could not be traced. During the course of such search, the



informant allegedly came to know that Bhawesh Kumar, along with one of his friends, had kidnapped his daughter, Riya Kumari. On the basis of the said written report, a case was instituted as Murliganj P.S. Case No. 231 of 2025 for the alleged offences punishable under Sections 137(2) and 96 of the BNS.

4. Learned counsel for the petitioner submits that the petitioner is innocent and the victim girl is said to have left her house on her own will and along with this petitioner, had gone to Murliganj and they stayed there for a day and thereafter, she returned back along with the petitioner and there is no allegation of any sexual assault having being made by her during their stay at Murliganj. The case diary as also the statement of the victim girl, recorded under Section 183 of the B.N.S.S., was called for in this case and from the statement so recorded by victim girl, which support the statement made by this petitioner, while, it is only admitted to the extent that both of them together / consensually went to Murliganj and thereafter, they returned back. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances



that the victim had gone willingly and without any force in question and there being no sexual assault being alleged against the petitioner, as would be evident from the statement recorded under Section 183 of the B.N.S.S., and the petitioner has clean antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 A.C.J.M.-III, Madhepura, in connection with Kumarkhand P.S. Case No.231 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail



cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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