

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12827 of 2026

Arising Out of PS. Case No.-48 Year-2025 Thana- GADHA District- Sitamarhi

Amresh Jha S/o Devendra Jha R/o Village - Manik Chawk, Tola Thikha, Ward
No. 01, P.S - Gadha, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Late Ritlal Mahto R/o Village - Manik Chawk, Tola Thikha, Ward
No. 01, P.S - Gadha, District - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-04-2026 Heard Mr.Krishna Prabhat, learned counsel for the

petitioner, learned counsel for the informant and Mr.Nirmal
Kumar Sinha, learned Additional Public Prosecutor for the
State.

2. The petitioner seeks bail, who is in custody since
26.11.2025 in connection with Gadha P.S. Case No. 48 of 2025,
F.I.R. dated 14.07.2025 registered for the offence punishable
under Sections 137(2) and 96 of BNS.

3. The prosecution case, in short, as per FIR on
10.07.2025, informant's daughter date of birth 01.01.2013 went
missing when she had gone to school.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the victim was recovered and her statement was recorded under Section 183 of BNSS, 2023 in which she has not supported the case of the prosecution and apart from that, she has also refused for her medical examination. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 26.11.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor on the date of occurrence but fairly submits that the victim has refused for her medical examination, apart from that the victim has not supported the case of the prosecution.

6. Considering the aforesaid facts, petitioner has clean antecedent and the victim has not supported the case of the prosecution in her statement under Section 183 of BNSS,2023, 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 learned District & Additional Sessions Judge-VI-cum-Special Judge, POCSO Act,



Sitamarhi in connection with Gadha P.S. Case No. 48 of 2025,
with 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/her absence on two consecutive dates without sufficient reason, his/her 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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