

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15122 of 2026

Arising Out of PS. Case No.-73 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

Nitesh Kumar @ Nitish Kumar Son of Bhola Bhagat Resident of Vill -
Dighwa, P.S. - Baikunthpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Kr. Pandey Son of Sri Niwas Pandey Resident of Vill. - Dighwa,
P.S. - Baikunthpur, Dist.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

6 17-06-2026 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Baikunthpur P.S. Case No. 73 of 2022, registered for the
offences punishable under Sections 363, 366(A) & 34 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on 28.02.2022 the informant's sister is found
missing and on search, he came to know that this petitioner has
enticed away his sister for marriage along with unknown
friends.



4. Learned Advocate for the petitioner submitted that surprisingly the sister of the informant gone missing on 28.02.2022, but the present FIR has been instituted after delay of eleven days i.e. on 11.03.2022 and no explanation for such delay has been given. The statement of the informant was further recorded under Section 183 of the BNSS wherein, he has stated a different version, that on 28.02.2022 his sister has left her house after taking all her clothes and necessary articles and when his grandmother has objected for the same, she forcefully left the house. On 10.03.2022, the sister of the informant had also called on his mobile and told him that she is fine wherever and requested not to lodge case against anyone. It is the specific contention of the petitioner that the petitioner is residing in his village and has no information with regard to the victim girl. This Court also vide order dated 29.04.2026 considering the aforesaid submission directed the petitioner to co-operate with the investigation and to provide all such information for arriving to the conclusion in the matter, on the basis of this, the traces of missing girl could be made by the Investigating Officer. The petitioner presented himself before the Investigating Officer and also told his willingness to face NARCO Test, but no fruitful result has come out. The petitioner has always been ready to co-



operate in the investigation but on account of the present case, he is facing serious threat of being arrested. The petitioner is a man of tender age, bears fair antecedent, and still giving his undertaking that whenever his appearance would be required, he shall ensure his presence before any of the authority.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner was in touch with the victim girl prior to the occurrence and there is a specific allegation that it is he, who entice away the sister of the informant.

6. Having considered the submission advanced by the learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the fact that during the course of investigation no cogent material has collected, showing the complicity of the petitioner in crime, as also the fact that he has always presented himself before the Investigating Officer and co-operating with all the authorities, beside the petitioner is a young adult of 18 years, having fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, in connection with Baikanthpur P.S. Case No. 73 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further conditions that:-

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) Whenever his presence would be required, he shall co-operate with the Investigating Officer.

(Harish Kumar, J)

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