

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24092 of 2026

Arising Out of PS. Case No.-330 Year-2025 Thana- BIRPUR District- Supaul

Nikash Kumar @ Nikash Kumar Pathak Son of Pawan Pathak R/o Village-
Basantpur Ward No 07, PS-Birpur, District-Supaul

... .. Petitioner

Versus

1. The State of Bihar
2. XXX wife of YYY R/o Village- Hridaynagar, Ward No 02, Po- Basantpur
PS-Birpur, District-Supaul

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

4 17-06-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Even after valid service of notice, opposite
party No.2 has chosen not to represent herself before this Court.

2. The petitioner seeks bail in connection with Birpur
P.S. Case No. 330 of 2025, dated 23.09.2025, registered for the
offence under Sections 127(2), 96, 64 of the BNS, Section 04/06
of POCSO Act and Sections 3(1)(s)(w)/3(2)(v)(a) of SC/ST Act.

3. As per the allegation, this petitioner had allegedly
enticed away the daughter of the informant and kept her locked
in his house with intention to commit rape with her and when
the informant came to know about it, the informant asked about
her daughter, but the victim daughter of the informant was not
found there. It is further alleged that due to intervention of the



police, the minor daughter of the informant was recovered from the house of the petitioner.

4. Learned counsel appearing for the petitioner has submitted that the allegation against the petitioner is false and concocted. Referring to the statement of the victim under Section 183 BNSS, which was called for by this Court on earlier occasion, learned counsel for the petitioner has submitted that the victim has categorically stated that the petitioner and the victim willfully eloped for the purpose of marriage. It has further been submitted that the victim has stated that the mother of the informant caught the victim at the house of this petitioner. Learned counsel for the petitioner has further submitted that in her statement recorded under Section 183 BNSS, the victim has categorically stated that no misbehaviour was done by the petitioner and the victim has admitted that she had willfully eloped with the petitioner and they have not performed marriage. It has further been submitted that the petitioner has got no criminal antecedents and he is in custody since 24.09.2025, charge-sheet has been filed in this case and there is no allegation of tampering against the petitioner.

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



6. Heard learned counsel for the parties and perused the record.

7. Considering the facts and circumstances of the case, let the, above named, petitioner 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 and Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Supaul, in connection with Birpur P.S. Case No. 330 of 2025.

8. The application stands allowed accordingly.

(Praveen Kumar, J)

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