

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22858 of 2026

Arising Out of PS. Case No.-680 Year-2025 Thana- HILSA District- Nalanda

Sudama Kumar, S/o Pappu Prasad, R/o Village - Hanumangardh, P.S. -
Chandi, Dist. - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. XXX, Son of XXX R/o Karor Nagar (Dabaul), Ward No. 26, P.S. - Hilsa,
Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Hilsa P.S. Case

No.680 of 2025 registered under Sections 137(2) of the

Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') but, later

on Section 8 of the Protection of Children from Sexual

Offences Act (in short 'POCSO Act').

3. Allegation against petitioner is to kidnap the

minor daughter of informant aged about 15 years for the

purpose of illicit intercourse/marriage with another person.

4. It is submitted by learned counsel appearing for



petitioner that the victim daughter of the informant and this petitioner was in same class and in same school and on 26.09.2025 while they were returning together, without passing any information to her parents, the victim daughter of the informant went to Sheikhpura, Chandi to meet with cousin sister of the petitioner, whereafter she returned to her parental home on same very day. It is submitted that out of aforesaid confusion, the present case was lodged. It is also submitted that this fact can be gathered from the statement of the victim as recorded under Section 183 of the BNSS, where she stated nothing incriminating *qua* petitioner regarding kidnapping and sexual assault. It is further argued that the victim denied to join the medical examination and, therefore, in want of corroborating medical evidence, it cannot be gathered safely that any penetrative sexual assault/rape was committed upon the victim daughter of the informant. The petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the allegation is specific against this petitioner.



6. Being POCSO case, the notice was issued to the informant/O.P. No.2 through both processes i.e. ordinary as well as registered cover. It appears from the office report that the notice as issued through ordinary process was received by the brother of the informant. In view of same, it appears to this Court that the notice regarding present proceeding validly served upon the informant.

7. Despite of service, none appears on behalf of the informant to join the present proceeding.

8. In view of aforesaid factual submissions and by taking note of fact, as the allegation of kidnapping and sexual assault *prima facie* not appears to be supported by the victim daughter of the informant while recording her statement under Section 183 of the BNSS, as discussed aforesaid, accordingly, the petitioner, above-named, who is a man of clean antecedent, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned 7th District Judge-cum-Special Judge, POCSO, Nalanda, Bihar Sharif in connection with Hilsa P.S. Case No.680 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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