

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26310 of 2026

Arising Out of PS. Case No.-78 Year-2025 Thana- BARH District- Patna

Prakash Paswan @ Prakash Kumar S/o Raj Kumar Paswan r/o Village- Shiv Mandir, Maranchi, Devaram Chak, P.S.- Bye Pass Traffic Thana, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-07-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barh P.S. Case No. 78 of 2025 dated 30.01.2025 registered for the offence punishable under Section/s 96, 87, 140(3) of the B.N.S., 2023.

3. As per the prosecution case, the accusation against the petitioner is of taking away the minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is next submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner is the son-in-law of the informant's



sister, and the relationship between the petitioner and the victim is that of a brother-in-law and sister-in-law. It is further submitted that, from the statement of the victim recorded under Section 183 of the B.N.S.S., it is evident that nothing specific has been made against the petitioner. Moreover, a compromise has already been arrived at between the parties vide Annexure P/3 and there is no allegation of any sexual assault or any overt act having been committed by the petitioner. Lastly, it is submitted that the petitioner is a person of clean antecedents.

5. Mr. Ajay Kumar Jha, learned APP for the State, submits that the compromise has already been arrived between the parties and there is no accusation of any overt act of sexual assault having been done by the petitioner and it is the case of the victim that the victim girl on her own volition escaped from the house.

6. Having heard learned counsel for the parties and considering the fact that there is no specific allegation of any overt act against the petitioner, there being no allegation of his having lured the victim to leave her place of residence and it is the specific case of the victim that she left the house on her own volition, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the



court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Barh, Patna in connection with Barh P.S. Case No. 78 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the 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 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 his bail bonds.

7. At the time of accepting bail bonds of the petitioner, the



court below concerned is directed to verify the documents (compromise petition) as appended with the instant anticipatory bail application as Annexure-P/3 by securing the presence of the Informant and the victim and in case it is found that the issues have been resolved, in such event, the bail bonds of the petitioner shall be accepted.

(Ajit Kumar, J)

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