

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25342 of 2026

Arising Out of PS. Case No.-360 Year-2025 Thana- MINAPUR District- Muzaffarpur

Nitesh Kumar, aged about 19 years, Male, S/o- Lakhindra Baitha R/village-
Belahi Lachchi Ward No 14 PS- Meenapur District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh S/o- Late Ananda Singh R/v- Belahi Lachchi, W.No-14, PS- Meenapur Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-04-2026 Heard Mr. Hari Kishore Thakur, learned counsel

appearing on behalf of the petitioner and Mr. Anuj Kumar

Shrivastava, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Meenapur P.S. Case No. 360/2025 registered for the
offence(s) punishable under Sections 137(2) and 96 of the BNS
and Section 8 of the POCSO Act.

3. As per the allegation made in the FIR, the
petitioner has kidnapped the minor daughter of the informant
with an intention to commit wrong.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. Learned counsel further submitted that petitioner is innocent and he was in love relationship with the victim and has not forcibly kidnapped her, rather the victim girl willingly went with the petitioner to Mumbai. Statement of the victim was recorded under Section 183 BNSS in which she has admitted that she accompanied the petitioner and petitioner brought her Mumbai and they both stayed for 2-3 days. Petitioner is 19 years old, while the daughter of the informant is 16 years old and attraction at the said age is obvious. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that the victim in her statement recorded under Section 183 of BNSS has admitted that she on her own had accompanied the petitioner. Petitioner is aged about 19 years, whereas daughter of the informant is aged about 14 years. In light of law laid down by the Apex Court in case of ***Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.*** reported in ***(2021) SCC OnLine Mad 317***, I am of the opinion that petitioner has, *prima facie*, made out a case to be



released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four 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 Special Judge, POCSO Court No.1, Muzaffarpur / Concerned Court in connection with Meenapur P.S. Case No. 360/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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