

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25618 of 2026

Arising Out of PS. Case No.-493 Year-2025 Thana- ISLAMPUR District- Nalanda

Rakesh Kumar S/O Shiv Yadav R/O Village- Ashrafpur, Police Station- Islampur, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. X S/O Late Y R/O Village- Ashrafpur, Police Station- Islampur, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with Islampur P.S. Case No. 493 of 2025 lodged on 18.09.2025, for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023. Later on, sections 87 & 64(1) of the B.N.S. and sections 4 & 6 of the POCSO Act have been added in this case.

3. As per the prosecution, FIR has been lodged against unknown persons alleging that on 17.09.2025 at about 2 PM, the minor daughter of the informant went to Islampur market but did not returned. Thereafter, the FIR has been lodged.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that name of the petitioner has figured in this case during investigation. Counsel submits that the victim girl has been recovered and she has narrated her statement before the Magistrate under Section 183 of the B.N.S.S. in which she has disclosed that the petitioner and one other accused person namely, Sagar Kumar came in toto and taken her to Sakarpur. Thereafter, accused Sagar Kumar taken the victim girl from Sakarpur to Patna by train and then did wrongful acts with her. Counsel further submits that whatever be the allegation of developing physical relation or living, it is not against the petitioner. Counsel submits that initially, this case has been lodged under section 137(2) of the B.N.S., but subsequently, sections 87 & 64(1) of the B.N.S. and sections 4 & 6 of the POCSO Act have been added in this case. He submits that the petitioner has clean antecedent and no offence is made out against him. He further submits that the victim girl was in love with the friend of the petitioner and only due to this reason, the name of the petitioner has inserted in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that statement of the



victim under section 183 of the B.N.S.S. has come in which, she has made allegation of commission of offence against other accused person and not against the petitioner.

6. Upon perusal of the statement of the victim under section 183 of the B.N.S.S., it transpires to this Court that physical relation with the victim girl has been developed by other accused person and not by the petitioner. It also transpires to this Court that section 137(2) of the B.N.S. is bailable offence. Section 87 of the B.N.S. talks about “Kidnapping, abducting or inducing woman to compel her marriage, etc.” and as per the statement of the victim under section 183 of the B.N.S.S., there is no allegation of inducing the victim for marriage against the petitioner. Similarly, section 64(1) of the B.N.S. talks about “punishment for rape” and the allegation of rape is also not against the petitioner. Since, there was no physical relation alleged to be developed with the petitioner, therefore, sections 4 & 6 of the POCSO Act shall also not be attracted in case of present petitioner.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of



Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of VIIth Additional Sessions Judge-cum-Special Judge, POCSO, Bihar Sharif, Nalanda, in connection with Islampur P.S. Case No. 493 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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