

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29856 of 2026

Arising Out of PS. Case No.-399 Year-2025 Thana- JHAJHA District- Jamui

Nitish Kumar S/O Suresh Das Resident of village- Chain, P.S.- Jhajha, Distt.- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. X Son of Mr. Y R/V- Chain, P.O. and P.S.- Jhajha, Dist.- Jamui, 811308

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate.
For the Opposite Party/s : Mrs. Sangeeta Sharma,, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 02-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail registered for the
offence punishable under Sections 96 and 3(5) of the B.N.S.,
2023 and Sections 4, 6, 8 and 18 of the POCSO Act.

3. The case of the prosecution, in short, is that at
about 11:00 PM., the informant found that his minor daughter
was missing from her bed. He started searching for her and
subsequently came to know that the petitioner has kidnapped his
minor daughter.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and has
committed no offence and has been falsely implicated in the



present case. It is further submitted that, during the course of investigation, the victim was recovered and her statements under Sections 180 and 183 of the BNSS were recorded.

5. Learned counsel submits that, in her statement under Section 180 of the BNSS, the victim stated that she was in relationship with the petitioner for about one year. As the villagers came to know about their relationship, she accompanied the petitioner to the house of his grandmother, where they solemnized their marriage.

6. Learned counsel for the petitioner further submitted that, in her statement under Section 183 of the BNSS, she has stated that the petitioner has forcefully boarded her on a bike and took her to his grandmother's house where from there she was taken to Jassidih and it is alleged that the petitioner has forcefully put vermilion on her head and has uploaded her photographs on Facebook.

7. Learned counsel submits that, even according to the statement under Section 183 of the BNSS, the only allegation against the petitioner is that he has forcibly took the victim to his grandmother's house and forcibly applied vermilion on her head. There is no allegation that the petitioner committed any sexual assault or established forceful physical relations with the



victim.

8. Learned counsel further submits that from the medical examination report also, it is clear that the doctor conducting medical examination have opined that on the basis of the above findings, it cannot not be clearly said whether the sexual intercourse had taken place, whether it was forceful, or whether it was recent. It is further submitted that there is no allegation against the petitioner of having established forceful physical relationship with the victim. Learned counsel further submits that, with the intervention of well-wishers, the parties have compromised the case. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 17.03.2026.

9. The application for bail is vehemently opposed by the learned counsel for the informant and the learned APP for the State. Learned counsel for the informant has also admitted that a compromise petition has been filed in the learned trial court.

10. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO), Jamui in connection with Jhajha P.S. Case No. 399 of 2025.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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