

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31952 of 2026

Arising Out of PS. Case No.-43 Year-2025 Thana- NIRMALI District- Supaul

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Ravi Kumar Das S/o Durga Das R/o Village - Nirmali, P.S. - Nirmali, Dist. - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX S/o YYY R/o Village - Nirmali, Ward no. 2, P.S. - Nirmali, Dist. - Supaul.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 137(2), 96 and 3(5) of BNS but charges were framed under Sections 96/3(5), 137(2)/3(5), 87/3(5) and 65(1) of BNS and Sections 4 and 6 of the POCSO Act.

3. The case of the prosecution is that the petitioner has kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that during course of



investigation, the victim has given her statement recorded under Section 183 of BNSS wherein she has stated that she went for her maternal uncle's house without disclosing it to anyone. She has also called the petitioner and from there, they went to Nirmali Station and by train, they went to Darbhanga from Darbhanga, they went Muzaffarpur and from Muzaffarpur, they went to Delhi. The petitioner took her to his relative's house, there, they started living separately. She remained there for three to four days and as she came to know that a case has been filed, they returned from there. The victim has categorically stated that she was not misbehaved by the petitioner and she was having relationship with the petitioner and she has stated that she has left her house with her own will. During course of investigation, the medical examination of the victim was conducted and from perusal of the medical examination report, it is clear that the doctor conducting medical examination of the victim has found no sign of physical assault, hymen is intact but loose but rape cannot be ruled out.

5. Learned counsel has submitted that from perusal of the statement of the victim, it is clear that the victim has left her house on her own volition, she was not kidnapped by the petitioner and from medical examination report of the victim, it



also transpires that the doctor has opined her age to be 16-18 years. Moreover, the petitioner is languishing in judicial custody since 25.03.2025 having no criminal antecedent.

6. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail and have submitted that this is a case under Sections 4 and 6 of the POCSO Act and altogether five witnesses have been examined and even the victim has supported the case.

7. The kind of material which has come during investigation goes to show that the victim herself has stated that no any kind of assault was made against her and that she and the petitioner were living separately. The finding of the doctor that rape cannot be ruled out, is only his opinion not based on objective findings.

8. 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 released on bail in connection with Nirmali P.S. Case No. 43 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional



Sessions Judge-cum-Special Judge, POCSO Act, Supaul.

(Ashok Kumar Pandey, J)

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