

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34267 of 2026

Arising Out of PS. Case No.-220 Year-2025 Thana- Kharagpur District- Munger

Om Kumar @ Om Paswan @ Om Kumar Paswan S/o Parsuram Paswan R/o
Village - Kauriya, P.S. - Kharagpur, Dist. - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Y R/o Village - Kauriya, P.O. - Sondov, P.S. - Haweli Khargpur, Dist. - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Yadav, Advocate.
For the Informant	:	Mr. Hafiz Shahbaz Atif, Advocate.
For the Opposite Party/s	:	Mr. Nagendra Prasad, 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 137(2) and 96 of the B.N.S.,
2023 and Section 4 of the POCSO Act.

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

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. He has been falsely implicated in this
case. He also submits that during the course of the investigation,
the victim was recovered and she has given her statement



recorded under Section 183 of the BNSS, wherein she has stated that she was knowing the petitioner and they wish to marry each other. On 09.10.2025, she left her house without disclosing it to anyone and called the petitioner. After that, she went to Godda on a four-wheeler, and from there, they came to Banka, and they have solemnized marriage in Court. After that, they went to Delhi and started living in a rented room at Ghaziabad. They returned from Delhi to Bhagalpur on 06.01.2026, where they were apprehended by the police. Learned counsel for the petitioner submits that the statement of the victim under Section 183 of the BNSS goes to show that she has left her home on her own volition. The petitioner has not induced or seduced her to leave the home. He further submits that during the course of investigation, the victim has denied her medical examination. He further submits that though this case has been filed under Sections 4 and 6 of the Act as well, as the victim has denied her medical examination and in her statement under Section 183 she has not alleged any forceful sexual assault or sexual act, Sections 4 and 6 of the POCSO Act are not attracted. Lastly, he submits that 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 09.01.2026.



5. The application for bail is opposed by learned APP for the State and has stated that the victim is a minor.

6. 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 Act)-cum-Additional Judge-VI, Munger in connection with Kharagpur P.S. Case No. 220 of 2025.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

