

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33168 of 2025

Arising Out of PS. Case No.-216 Year-2014 Thana- BIKRAM District- Patna

=====

Gopal Kumar @ Gopal Singh, S/o Suresh Singh, Resident of Village-
Benibigha, P.S.- Bikram, Distt-Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Binod Kumar Sinha, S/o- Late Ganga Lal, R/o Village-Gangachak, P.S.-
Bikram, District- Patna

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mrs. Maruti Kumari, Advocated
Mr. Ram Hriday Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 05-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Bikram P.S. Case

No.216 of 2014 registered under Sections 363 and 366-A of

the Indian Penal Code.

3. Allegation against petitioner is to kidnap the

minor daughters of informant aged about 17 years and 15

years, while they visited their college to collect Admit Card.

4. It is submitted by learned counsel appearing for



petitioner that in fact the elder daughter of informant namely, Neha Kumari left home out of her own sweet will on the pretext of collecting her admit card from college with her younger sister and, thereafter, she solemnized marriage with one Ritesh Kumar. It is submitted that out of ill will, this petitioner was implicated with present case. Learned counsel further submitted that the allegation of sexual assault is not available against this petitioner as per statement of victim recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that matter now appears compromised between the parties.

5. Arguing further, it is submitted by learned counsel appearing for petitioner that elder daughter of informant/O.P. No.2 was major as per her school certificate and in this context, he drawn attention of this Court towards paragraph no.26 of the case diary, where her date of birth is mentioned as 12.07.1996. The date of birth of another daughter was also available there, which is 20.01.1997, i.e. about 18 years. It is pointed out that there are major contradictions in statement of both sisters, where the younger



sister namely, Neha Kumari categorically stated this petitioner left victim in between and, thereafter, both of them were dropped near Bihta by Mannu and Kunal. It is submitted that the allegation of kidnapping is without any motive and there is no allegation of sexual assault against petitioner despite of fact that they remained together for one whole day and night. It is pointed out that just to save Ritesh, the petitioner was implicated with this case on imaginary ground that he along with other co-accused persons called victim frequently over telephone prior to the occurrence even in late night.

6. Arguing further, it is submitted that the elder sister, who *prima facie* found major during investigation categorically stated that she would like to go with her husband namely, Ritesh with whom she solemnized marriage in Hanuman Mandir, Patna.

7. None appeared on behalf of informant/O.P. No.2 despite of notice.

8. Learned APP while opposing the prayer of bail submitted that the allegation is specifically available against petitioner as to kidnap the minor daughters of informant but,



he fairly conceded that during investigation the daughter of informant found major, as submitted aforesaid. It is also conceded that the allegation of sexual assault is not available and the elder daughter of informant, who was major solemnized her marriage with one Ritesh.

9. In view of aforesaid factual submissions and by taking note of fact as petitioner left victims during the occurrence itself in view of statement of younger daughter of informant *prima facie* negating the intention of kidnapping as alleged, coupled with the fact that the elder daughter of informant found major during the course of investigation, who admitted to solemnize her marriage with one Ritesh, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Danapur, Patna in connection with Bikram P.S. Case No.216 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure (in short ‘CrPC’)/under Section 482(2) of the
Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J)

Sanjeet/-

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

