

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34464 of 2025

Arising Out of PS. Case No.-233 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Rahul Kumar S/O Bindeshwari Mahto @ Vindeshwari Mahto R/O Vill.-
Mokhtiyarpur, Salkhanni, P.S.- Dalsinghsarai, Dist.- Samastipur.- 848114
... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar, Sr. Adv.
Ms. Arya Achint, Adv.
For the State : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 16-02-2026 Heard Ms. Nivedita Nirvikar, learned senior counsel
for the petitioner and learned Additional Public Prosecutor for
the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 363, 366(A), 372, 34 of the
Indian Penal Code.

3. Allegation against the petitioner is that he along
with other accused persons have kidnapped the daughter of the
informant.

4. Learned senior counsel for the petitioner submits
that the First Information Report was lodged against one Golu
Kumar and the name of the petitioner did not feature in the
same. As a matter of fact, the victim had willingly fled away
from her house along with one Golu Kumar and the first
information report was lodged after a delay of 3 days. It is
further submitted that the name of the petitioner transpired



subsequently during the course of investigation in paragraph-30 of the case diary which is merely an information from a spy that the petitioner happened to be a good friend of Golu Kumar and a reference has been made to a video/photograph that the victim was seen along with the petitioner and Golu Kumar on a motorcycle. However, upon looking at the photograph in the case diary, there does not appear to be anything suspicious. It is further submitted that the motorcycle in question does not belong to the petitioner and at best the case against the petitioner can be said to be that of a facilitator in taking the victim away by the said Golu Kumar who has been granted bail on the ground of his juvenility as stated in para-15 of the petition. The petitioner is in custody since 01.07.2023 and has no criminal antecedent. The bail rejection order indicates that the charge-sheet has been submitted in this case on 11.09.2023 and the charges were framed on 31.01.2024 itself but till date i.e. 24.04.2025 not a single witness has been examined on behalf of the prosecution.

5. Learned APP for the State has opposed the application for bail on the ground that the victim has still not been recovered. In response, it has been submitted that the petitioner has no idea about the whereabouts of the victim and he



is lying in custody since 01.07.2023.

6. Taking into consideration the facts and circumstances and also considering the factum of delay in the FIR coupled with the fact that the petitioner is also a young student and his role has been at best of a facilitator and there has been no substantial progress in the trial, let the above named petitioner, be enlarged 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 court below where the case is pending/successor court in connection with Dalsinghsarai P.S. Case No. 233 of 2023, subject to the conditions that:

(I) One of the bailor shall be the family member or a close relative.

(II) The petitioner shall appear on each and every date till conclusion of trial and if the petitioner does not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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