

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35622 of 2026

Arising Out of PS. Case No.-41 Year-2026 Thana- DAUDNAGAR District- Aurangabad

Vishnu Kumar S/O Butai Ram R/O Village - Musepur, Khaira, P.S-
Daudnagar, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi W/O Late Santosh Kumar R/O Village - Arai, P.S- Daudnagar,
District - Aurangabad (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Kant Mishra, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, Adv.
For the Informant	:	Mr. Prashant Kumar, Adv.
		Mr. Shashank Shekhar Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-07-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Daudnagar P.S. Case No. 41 of 2026 registered for the offences punishable under Sections 137(2), 96 of BNS.

3. The allegation against petitioner is to kidnap the minor daughter of informant aged about 14 years for the purpose of illicit intercourse/ marriage with another person.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the daughter of the informant was in love with petitioner and as her love affairs was not



approved by her parents the present false case was lodged against petitioner. It is submitted that during investigation victim was recovered where she categorically stated that she was in love with this petitioner and while on the date of occurrence she was going to her school called this petitioner from his home and thereafter went together to the sisters house of petitioner after solemnizing marriage at Surya Temple at Aurangabad. It is submitted that allegation of kidnapping and sexual assault was completely denied by victim while recording her statement under section 183 of BNSS. Petitioner is 20 years old and a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that victim was minor at the time of occurrence and therefore, her consent for marriage is amounting to no consent under the law.

6. Let it be so, as the allegation of kidnapping and sexual assault *prima-facie* appears negated by victim herself while recording statement under Section 183 of BNSS by



saying that she was in love with petitioner for long 2 years prior to this occurrence, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Daudnagar, Aurangabd /concerned Court, where the case is pending in connection with Daudnagar P.S. Case No. 41 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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

