

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35815 of 2026

Arising Out of PS. Case No.-79 Year-2025 Thana- ADHAOURA District- Kaimur (Bhabua)

Sudhir Paswan, Son of Amerika Paswan, Resident of Village - Jharpa, P.S.-
Adhaura, District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-07-2026 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 Adhaura P.S. Case No.79 of 2025 registered under Sections 137(2), 87, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

3. As per FIR, petitioner alleged to kidnap the minor daughter of informant aged about 16 years for the purpose of illicit intercourse/marriage with another person.

4. It is submitted by learned counsel appearing for the petitioner that the petitioner was implicated with present



crime in question under confusion. It is pointed out that the petitioner is the cousin brother of the victim, with whom she went to her sister without informing the parent, where under suspicion, the present false case was lodged. It is further submitted that this fact can be gathered safely from the statement of victim as recorded under Section 183 of the BNSS, where she categorically stated that the petitioner is her cousin brother with whom she went to Sasaram on 02.09.2025 and return on 03.09.2025 on her own. While concluding argument, it is submitted that the victim refused to join the medical examination and therefore, in want of corroborating materials *qua* sexual assault no incriminating material can be gathered against this petitioner. It is further submitted that the allegation of kidnapping and sexual assault is completely absent against this petitioner. Explaining criminal antecedent, it is submitted that subsequent to lodging the FIR, one criminal case was lodged against this petitioner by the same informant in connection with present disputes, where he is on bail.

5. Learned APP opposes the prayer of bail.



6. In view of aforesaid factual submissions and by taking note of fact as the victim categorically denied any allegation *qua* sexual assault and kidnapping against this petitioner rather stated specifically that the petitioner is her cousin brother with whom she went to see their sister residing at Sasaram, accordingly, the petitioner above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Adhaura P.S. Case No.79 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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