IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42597 of 2026

CNR No. BRHC010560522026

Arising Out of PS. Case No.-269 Year-2025 Thana- Tilkamanjhi District- Bhagalpur

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Nipun Kumar @ Nipun Sah Son of Bijay Sah @ Vijay Sah Resident of Feri Road, Barari, P.S.- Barari, District- Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar

2. XXX Son of YYY Resident of - Sachidanand Nagar, P.S.- Tilakamanjhi, District- Bhagalpur.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
For the Complainant : Mr. Kumar Kamal Nayan, Advocate
Ms. Kumari Pallavi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 28-10-2026 Heard learned counsel for the petitioner, learned counsel for the complainant and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Tilkamanjhi P.S. Case No. 269 of 2025, POCSO Case No. 98 of 2026 instituted for the offences under Sections 96, 115(2), 308(3), 61(2), 76, 3(5) of the Bharatiya Nyaya Sanhita, 2023

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and Section 8 of the POCSO Act.

3. Accusation against the accused persons including the petitioner is of kidnapping the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of about five months in lodging the complaint petition without any plausible explanation, which in itself, raises doubt over the prosecution story and subsequently, the FIR was registered. Learned counsel for the petitioner submitted that victim in her Statement recorded under Section 183 of the BNSS has specifically stated that she left her house on her own sweet will and this petitioner never gave any compulsion or threat to her. Police, after completion of the investigation, submitted charge-sheet under Sections 96, 115(2), 308(3), 61(2), 76, 3(5) of the Bharatiya Nyaya Sanhita and Section 8 of the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.03.2026 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the complainant vehemently opposed the prayer for grant of bail to the petitioner.

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6. Considering the aforesaid facts and circumstances of the case, there being no material against the petitioner in Section 183 BNSS statement of the victim, there being considerable delay in filing the complaint without sufficient cause and the submission of charge-sheet under the aforesaid Sections as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tilkamanjhi P.S. Case No. 269 of 2025, POCSO Case No. 98 of 2026, subject to the following conditions:

(I) One of the bailors shall be the petitioner’s own or a close family member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness including the complainant/informant during the course of trial.

In case of violation of any of the aforesaid conditions,

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the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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