

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42294 of 2026

Arising Out of PS. Case No.-333 Year-2025 Thana- NAVINAGAR District- Aurangabad

Chintu Kumar, S/o Sanjay Chandravanshi, Resident of Village-Panti, P.S.-
Nabinagar, District - Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. XX, son of YY, Resident of Village - Pokhrahin, P.S.- Nabinagar, District -
Aurangabad

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-07-2026 The defect(s) as pointed out by the office is

ignored for the present.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Nabinagar

P.S. Case No.333 of 2025 registered under Sections 137(2),

96 of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.')

as well as Sections 8 and 12 of the Protection of Children

from Sexual Offences Act.

3. As per complaint, bearing No.9 of 2024 filed

before Special Judge, POCSO, Distt.-Aurangabad, Bihar,

which is the basis of FIR, that the daughter of complainant

was kidnapped by one Bittu Kumar for the purpose of illicit



intercourse/marriage with another person.

4. It is submitted by learned counsel appearing for petitioner that the thrust of allegation is available against Bittu Kumar, with whom, the daughter of complainant was in love and as her relationship with Bittu Kumar was not approved by her parents, the present criminal complaint was lodged. It is submitted that in terms of Annexure-P/2 both Bittu Kumar and the daughter of complainant/informant namely, Saphalta Kumari solemnized their marriage and living their married life happily but, during course of investigation, the statement of victim daughter of complainant was recorded under Section 183 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS'), where she named this petitioner saying that he also threatened her to disturb her marriage. It is submitted that except this, there is no allegation against petitioner suggesting his involvement in her kidnapping or any allegation of sexual assault. The petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail



could not disputed the aforesaid factual submissions but, stated that the criminal antecedent of this petitioner appears doubtful in view of defects as pointed out by the office.

6. In view of aforesaid factual submissions and by taking note of fact as the petitioner is not named in FIR and the thrust of allegation is *prima facie* available against his brother namely, Bittu Kumar, who alleged to kidnap the minor daughter of informant, 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 Additional Sessions Judge-VI-cum-Exclusive Judge (POCSO), Civil Court, Aurangabad in connection with Nabinagar P.S. Case No.333 of 2025, 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 BNSS.

7. Learned trial court is directed to verify the criminal antecedent of petitioner in view of submission that



he is a man of clean antecedent and upon verification, if he found involved in any other criminal case except present one, the bail bond of petitioner shall not be accepted.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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