

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42837 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- PALASI District- Araria

Md. Ehtesham @ Ehtasam S/O Md. Shamim Shami Resident Of Village-
Dehati, Ward No. 11, Police Station- Palasi District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Palasi P.S. Case No. 58 of 2026 registered for the offences punishable under Sections 96, 352, 351(2), 351(3), 3(5) of BNS.

3. The allegation against petitioner is to kidnap the minor sister of informant aged about 15 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 family members of



victim was in process to solemnize her marriage against her will, and as she was in love with this petitioner she left her parental home on her own and solemnized *Nikah* with this petitioner, whereafter both are living happily together as wife and husband in Purnea. It is submitted that allegation of sexual assault and kidnapping is not available against this petitioner. It is submitted that the fact of love affairs and solemnization of marriage duly supported by victim under Section 183 of the BNSS. Petitioner claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as allegation *qua* kidnapping and sexual assault *prima-facie* not appears available against this petitioner out of statement of victim recorded under Section 183 of BNSS, where she categorically stated that she solemnized *Nikah* with petitioner out of her own sweet will, 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 District and Addl. Sessions Judge VI cum Spl. POCSO Judge, Araria /concerned Court, where the case is pending in connection with Palasi P.S. Case No. 58 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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