

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47207 of 2026

Arising Out of PS. Case No.-627 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Raushan Kumar @ Sipahi Son of Late Vinod Singh Resident of Village -
Hasanpura, Sonbarsa, Police Station - Obra, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y Resident of Village - Hasouli, Police Station - Muffasil, District -
Aurangabad, at present Resident of Yamuna Nagar, Krishnapuri, Police
Station - Town, District - Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-07-2026 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has prayed for regular bail in a case

registered for the offences punishable under Sections 137, 96

and 3(5) of the Bharatiya Nyaya Sanhita. Subsequently, Section

8 of the POCSO Act was also added.

3. The case of the prosecution is that one Raushan

Kumar @ Sipahi kidnapped the minor daughter of the

informant. It is further alleged that Raushan Kumar @ Sipahi

used to reside with the petitioner. When the informant went to

complain, the petitioner allegedly became angry and started

abusing him.



4. Learned counsel for the petitioner submits that during the course of investigation, the victim was recovered and her statements under Sections 180 and 183 of the B.N.S.S. were recorded, wherein she stated that she had gone to Patna with Raushan Kumar @ Sipahi, stayed with him in a hotel, and was ultimately recovered from the house of the sister of Raushan Kumar @ Sipahi. It is further submitted that there is no allegation against the petitioner of kidnapping the victim, nor has the victim named the petitioner in her statement before the Magistrate.

5. Learned counsel for the petitioner further submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner has remained in judicial custody since 09.03.2026.

6. Learned APP appearing for the State has opposed the prayer for regular bail.

7. Considering the aforesaid facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. Accordingly, the above-named petitioner is directed to be released on bail in connection with Town P.S. Case No. 627 of 2024 on furnishing a 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-Special Exclusive Judge (POCSO), Civil Court, Aurangabad.

8. It is indeed disheartening to note that the learned trial Court has rejected the petitioner's prayer for bail without properly appreciating the nature of the allegations. The only allegation against the present petitioner is that he is the uncle of the principal accused who allegedly kidnapped the victim. Even then, the learned trial Court declined to grant bail. It appears that the learned trial Court was unduly influenced by the mere invocation of the provisions of the POCSO Act and failed to exercise its judicial discretion in accordance with law. Courts are expected to consider the facts and circumstances of each case independently and should not be overawed merely because an offence under a particular statute has been alleged.

(Ashok Kumar Pandey, J)

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