

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51282 of 2026

Arising Out of PS. Case No.-59 Year-2025 Thana- VAINI District- Samastipur

Nitesh Kumar S/o Lakshmi Singh @ Lakshmi Bhagat R/o Village - Bujurg,
P.S. - Patepur, Dist. - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. X S/o XX R/o Vill and Post - Chandauli, P.S. - Waini, Dist. - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2026 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Waini P.S. Case No. 59 of 2025, lodged on 23/07/2025, under Sections 137(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 8/17 of POCSO Act.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner with allegation that they have kidnapped the sister of the informant.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that in fact the victim has solemnized marriage with the petitioner and leading happy conjugal life. He submits that in her statement recorded under Section 183 of the BNSS the victim has not supported the prosecution case. He submits that the compromise has been made between the parties. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that victim and petitioner have solemnized marriage and leading happy conjugal life.

6. It transpires to this Court that the victim has been recovered and upon recovery she has recorded her statement under Section 183 of the BNSS, in which she has not supported the case of the prosecution.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand)



as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Additional Sessions Judge – VI – Cum – Spl. Court (POCSO), Samastipur, in connection with Waini P.S. Case No. 59 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Mkr./Anshuman/

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