

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55680 of 2025

Arising Out of PS. Case No.-1277 Year-2024 Thana- NAWADA District- Nawada

Md. Saheb @ Md. Eqbal Hasan @ Md. Saheb Ekbal S/o Md. Shaukat R/o vill
- Raja Nagar Bhadauni, P.s.- Nawada, Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Azad Kalam S/o Late Md. Allauddin R/o vill - Raja Nagar Bhadauni,
P.S.- Town, Distt.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Nagendra Prasad, Advocate
For the Informant	:	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-02-2026 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of

the informant.

2. The petitioner seeks bail in a case registered for the

offences punishable under Sections 137(2) and 96 of B.N.S.,

2023.

3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent and in sum and

substance the allegation is that the petitioner kidnapped the

minor daughter of the informant.

4. Learned counsel for the petitioner submits that

petitioner and the victim were in love and they eloped. It is also



submitted that victim has come back and her statement was recorded under Section 180 B.N.S.S. wherein she has not supported the case of the prosecution but subsequently her statement was recorded under Section 183 B.N.S.S. wherein the victim under parental pressure stated that petitioner had taken her away and had brought her to Ranchi and she even became pregnant but then does not allege that she was raped. It is also submitted that victim in her statement recorded under Section 183 B.N.S.S. has disclosed her age as 19 years. It is next submitted that the statement of the victim as recorded under Section 183 B.N.S.S. may be under parental pressure but then efforts were made to save the petitioner. It is also submitted that even petitioner is willing to marry the victim.

5. Learned APP for the State and learned counsel appearing on behalf of the informant oppose the bail application.

6. Learned counsel appearing on behalf of the informant submits that law is clear that consent of a minor has no credentials in the eyes of law. It is further submitted that a counter affidavit has been filed on behalf of the informant wherein date of birth certificate of the victim has been brought on record by way of Annexure-C/4 and from perusal of the



same, it would manifest that the date of birth of the victim is 03.01.2012, as such, on the date of occurrence, the victim was a minor, aged about 14 years and odd. It is also submitted that charges have been framed, trial has commenced and the evidence of victim in the trial has been recorded wherein she has stated that petitioner after making her unconscious had taken her away and even committed rape. On query of the Court from the learned counsel appearing on behalf of the informant whether he has copy of the deposition made by the victim in the trial on which it is submitted that he has received the photo stat copy of the deposition on his Whatsapp and after perusing the same, the said submission has been made. It is also submitted that the victim deposed on 02.02.2024.

7. At this stage, learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 01.05.2025.

8. After hearing learned counsel for the parties, the Court is not inclined to release the petitioner on bail for the reason that trial has commenced and also taking into consideration Annexure-C/4, i.e., the birth certificate of the victim from perusal of which, it manifests that the victim on the date of occurrence was aged about 14 years of age. Accordingly,



the prayer for grant of bail to the petitioner is hereby rejected in connection with Nawada Town P.S. Case No.1277 of 2024, pending in the court of learned District & Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Nawada.

(Satyavrat Verma, J)

Sanjay/-

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