IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56155 of 2026

CNR No. BRHC010804852026

Arising Out of PS. Case No.-146 Year-2026 Thana- NARPATGANJ District- Araria

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Prakash Yadav @ Prakash Kumar S/o Sri Shambhu Yadav Resident of Village - Barhara, Ward No. 7, P.S. - Narpatganj, District - Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Purushottam Kumar, Adv
Ms. Kajal Kumari, Adv
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

5 19-11-2026 Heard the learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and the learned APP for the State.

2. The petitioner seeks bail in connection with Narpatganj P.S. Case No. 146 of 2026, registered for an offence under Sections 137(2), 96 of the B.N.S.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that while the minor daughter of the informant was preparing food in her house and the informant along with his family members was sitting on the door, all of a sudden his minor daughter disappeared from the kitchen. The informant along with family members and neighbors tried their best to search for her, but she could not be found. He came to know that

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the petitioner has kidnapped her minor daughter on the pretext of marriage, upon which the informant immediately reached the house of the petitioner. There, the co-accused persons, named in the FIR started using filthy language and took out stick and *farsa* for assaulting the informant. It has been alleged that the daughter of the informant fled with Rs. 50,000/-, in cash as well as some gold ornaments.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that the police submitted chargesheet against the petitioner on 22.05.2026. He next submits that from the FIR itself, it would transpire that the informant along with family members was sitting at the door of his house, therefore there is no question of any third persons entering the house of the informant. The true fact is that the victim girl was in relationship with the petitioner and she on her own had accompanied the petitioner. When the present FIR has been lodged, she along with the petitioner appeared before the police and in her statement under Section 180 of the B.N.S.S., she disclosed that she went along with the petitioner to Bengaluru and when the present case was lodged, she came back and wants to go with her parents. The learned counsel for the petitioner

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next submits that later on in her statement under Section 183 of the B.N.S.S., the victim girl turned around and gave a different statement, which she had given during course of her statement before the police under Section 180 of the B.N.S.S. The learned counsel for the petitioner submits that the entire allegation levelled in the FIR is false and concocted, since the informant was aware that his daughter had fled with Rs. 50,000/-, in cash and some gold ornaments. The learned counsel for the petitioner lastly submits that the petitioner is in custody since 01.04.2026, without any criminal antecedent.

5. *Per contra,* the learned counsel appearing on behalf of the informant submits that the victim girl was a minor and this fact has come during course of investigation also, since she is of 14 years of age. It is not in dispute that the petitioner kidnapped her and she had supported the case of the prosecution in her statement under Section 183 of the B.N.S.S. He submits that in view of the statement made by the victim girl under Section 183 of the B.N.S.S., as well as the fact that she is 14 years of age, therefore the petitioner does not deserve the privilege of bail.

6. The learned APP appearing on behalf of the State also opposes the prayer for bail of the petitioner and submits

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that specific allegation of kidnapping the daughter of the informant has been leveled against the petitioner.

7. Having considered the rival submissions and after going through the records as well as the material available in the case diary, including the statement of the victim recorded under Section 180 and 183 of the B.N.S.S. as well as the medical report, it would transpire that the witnesses have stated during course of investigation that the petitioner and the victim girl were in relationship and this fact was also known to the parents of the victim girl. The victim girl in her statement under Section 180 of the B.N.S.S. has stated that on 22.03.2026, she went along with the petitioner to Bengaluru and when she came to know about the lodging of the present FIR, She came back along with the petitioner to the police station at Narpatganj on 31.04.2026. She stated that she was in relationship with the petitioner for the last 2 years. She along with the petitioner fled from her house. Later on, when the statement of the victim girl was recorded under Section 183 of the B.N.S.S., she turned around and gave a statement that the petitioner along with 3 persons forcefully kidnapped her in a four-wheeler and thereafter the petitioner committed rape against her. In course of medical examination, the doctor did not found any sign of

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recent rape, however her hymen was found to be ruptured. Considering the statement of the witnesses in the case diary, the statement of the victim girl recorded under Section 183 of the B.N.S.S., as well as her statement under Section 180 of the B.N.S.S., let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 146 of 2026, subject to the condition as laid down under Section 437(3) of the Code of Criminal Procedure/480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with following condition:

The Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

shital/- **(Ritesh Kumar, J)**

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