IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57354 of 2026

CNR No. BRHC010819842026

Arising Out of PS. Case No.-79 Year-2025 Thana- JAMALPUR District- Darbhanga

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Basuki Mukhiya S/O Shiv Kumar Mukhiya Resident of Village- Bardipur, Police Station- Jamalpur, District- Darbhanga.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX S/O YYY R/O Village- Bardipur, P.S.- Jamalpur, Distt.- Darbhanga.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the State : Mrs. Sangeeta Sharma, APP
For the Informant : Mr. Rajesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 19-11-2026 Heard learned Counsel for the petitioner, learned A.P.P. for the State and learned Counsel for the Informant.

2. The petitioner seeks regular bail in connection with Jamalpur P.S. Case No. 79 of 2025, lodged on 23/11/2025, for the offences punishable under Sections 137(2) and 96 of the Bhartiya Nyaya Sanhita, 2023, but later on charge-sheet has been submitted under Sections 137(2), 96 and 64(1)/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4/6 of the POCSO Act, 2012.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner with allegation that all accused persons in connivance with each other kidnapped the daughter of the informant with a view to

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marry.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that there are two FIR lodged against the petitioner, the first FIR is annexed as Annexure-P/1, in which the petitioner is seeking bail and another FIR is annexed as Annexure-P/2, which is of the year 2026. Counsel further submits that in both the FIRs, there are similar allegations against the petitioner and entire family members of the petitioner have been made accused in the second FIR and in the first FIR, the petitioner and his father and mother has been made accused. Counsel further submits that it is not the case as alleged in the FIR rather it is a case of love affair between the petitioner and the alleged victim. Counsel further submits that on the previous occasion, case diary along with statement of the victim girl, recorded under Sections 180 and 183 of the BNSS and medical report of the victim girl, were called for. Counsel further submits that in the statement of the victim girl recorded under Section 183 of the BNSS, the alleged victim has disclosed that she received information that the petitioner brought her at Surat and subsequently, she was recovered from Surat. Counsel further submits that the petitioner tried to do force but she

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refused. Counsel further submits that it has also come in the case diary that the victim herself denied for medical examination. Counsel also submits that criminal antecedent of the petitioner is clean and he is in custody since 13/01/2026. Counsel further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner but fairly submits that from the date of birth the alleged victim is minor and from the statement recorded under Section 183 of the BNSS, it transpires that the alleged victim is well aware about the event and denied for medical examination.

6. As such, in the present facts and circumstances, let the above-named petitioner be granted bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S**,** 2023 to the satisfaction of Special Judge (POCSO Act), Darbhanga, in connection with Jamalpur P.S. Case No. 79 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S**,** 2023.

(Dr. Anshuman, J)

Anshuman/SKM

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