IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61618 of 2026
CNR No. BRHC010881722026

Arising Out of PS. Case No.-112 Year-2025 Thana- PASRAHA District- Khagaria

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Sittu Paswan @ Sintu Paswan Son of Vinay Paswan @ Ramvinay Paswan Resident of Village- Khutiya, P.S.- Mansi, District- Khagaria.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Sumrit Sharma Son of Narayan Sharma Resident of Village- Basua, P.S.- Pasraha, District- Khagaria.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State. Despite valid service of notice, none appears on behalf of the Opposite Party No. 2

2. The petitioner seeks regular bail in connection with Pasraha P.S. Case No. 112 of 2025, registered for the offense under Sections 96 and 3(5) of the B.N.S.

3. As per the prosecution case, on 25.04.2025, at about 10:30 AM, the informant’s minor daughter, aged about 17 years, went to attend classes at Deepnarayan Ramkrishna Inter School, Basua, but did not return home. Upon searching, the informant allegedly learnt that the petitioner, Sittu Paswan @ Sintu Paswan, along with other co-accused persons, had

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kidnapped his daughter for the purpose of marriage. Accordingly, the informant submitted a written report on 01.05.2025.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that the alleged occurrence took place on 25.04.2025, whereas the FIR was lodged on 01.05.2025, after a delay of about six days, for which no explanation has been furnished by the prosecution. He further submits that the petitioner and the victim girl have been involved in a love affair for a considerable period of time. He next submits that there was no allurement or inducement on the part of the petitioner and that the victim girl had voluntarily left her parental home as her parents intended to marry her against her wishes, whereas she was desirous of marrying the petitioner. Learned counsel further submits that the petitioner and the victim girl have solemnized their marriage and, out of their wedlock, a son has also been born, which reflects the marital relationship between them and the victim girl is residing peacefully at her matrimonial house along with the petitioner and one son. He next submits that the statements of the victim girl recorded under Sections 180 and 183 of the

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BNSS, also does not support the prosecution's case. It is lastly submitted that the petitioner has no criminal antecedent and has been in judicial custody since 25.04.2026.

5. Per Contra, the learned APP for the State vehemently opposed the prayer for grant of regular bail.

6. Considering the aforesaid facts and circumstances of the case, the case diary, and the statements of the victim girl recorded under Sections 180 and 183 of the BNSS, which do not appear to support the prosecution's case, coupled with the submission that the victim girl was in a love relationship with the petitioner and had voluntarily left her parental home with the intention of marrying him, and that there was no allurement or inducement on the part of the petitioner, this Court further takes note of the fact that, at the time of recording her statement, the victim girl was eight months pregnant and has since given birth to a child. Having regard to the birth of the child and the circumstances of the case, the welfare of the child also merits consideration. This Court also takes into consideration the fact that the petitioner has no criminal antecedent and has remained in judicial custody since 25.04.2026. Accordingly, 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

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amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Khagaria in connection with Pasraha P.S. Case No. 112 of 2025, subject to the following conditions:

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Girijish Kumar, J)

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