

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62246 of 2025

Arising Out of PS. Case No.-530 Year-2024 Thana- BARACHATTI District- Gaya

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Sheikh Hasim @ Shekh Husain Son of Sheikh Shakur R/o Village -
Damodarpur, P.S. - Tengar, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 96 of the B.N.S.

3. As per the prosecution case, the petitioner is said
to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits, at the
outset, that the First Information Report was lodged after a
delay of three days and as a matter of fact, it is a case arising
out of love affair between the petitioner and the victim. It has
also been submitted that the First Information Report was
lodged for kidnapping under Section 96 of the B.N.S.,
subsequently, charge-sheet has also been submitted under
Section 96 of the B.N.S. and there is no inclusion of other



provisions of sexual assault, POCSO etc.. It has been further submitted that the petitioner and the victim girl were together recovered from Ludhiana, Punjab and in the medical examination also, the age of the victim was assessed to be over 19 years. It has also been submitted that the victim, after recovery, in her statement under Section 183 of B.N.S.S., has also not alleged any kind of sexual assault against the petitioner. The petitioner is in custody since 15.01.2025 and it has been submitted that till date the case has not even been committed to the Court of sessions, as such, there is no likelihood of conclusion of trial in near future.

5. Learned APP for the State opposed the grant of bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the factum of delay in the F.I.R., coupled with the fact that the statement under Section 183 of the B.N.S.S., does not disclose any case of sexual assault and further considering that the case has also not proceeded, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



District and Additional Sessions Judge-III, Sherghati at Gaya/concerned Court below in connection with Barachatti P.S. Case No. 530 of 2024.

7. However, the learned Court concerned is directed to proceed with the case expeditiously, and the petitioner is directed to co-operate with the proceedings by appearing on each and every date, failing which, without any substantial cause, the Court shall be at liberty to take steps for cancellation of bail.

(Soni Shrivastava, J)

anand/-

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