IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63186 of 2026

CNR No. BRHC010922072026

Arising Out of PS. Case No.-241 Year-2026 Thana- BAIRIYA District- West Champaran

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Akhilesh yadav @ Akhilesh Kumar son of Dhrup Yadav Resident of village- Tiwari Tola Bairiya, Ps- Bairiya, Dist- West Champaran

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX son of YYY Resident of village- Narayanpur Baijua Ward no. 16, Ps- Bairiya, Dist- West Champaran

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP
For the Informant : Mr. Niraj Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 05-11-2026 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in connection with Bairiya P.S. Case No. 241 of 2026, instituted for the offences punishable under Sections 329(4), 351(2), 96, 137(2), 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, later on added Sections 8 and 12 of POCSO Act.

3. The prosecution case, in short, is that on 03.05.2026 at about 8:00 P.M., the accused persons allegedly arrived in a Bolero vehicle and kidnapped the informant's 15-

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year-old granddaughter on the pretext of keeping her for a few days before returning her. It is further alleged that they threatened the informant with dire consequences and took away gold ornaments worth ₹2,00,000/- and ₹20,000/- in cash from the house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the petitioner has not committed any such offence as alleged against him. It is next submitted that the victim has not supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is further submitted that the victim has stated that she went with the petitioner on her own will and solemnized marriage with him. The petitioner is in custody since 23.07.2026 and has got one criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State also submits that specific allegation has been attributed against the petitioner of kidnapping the minor granddaughter of the informant and has

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also solemnized marriage with her. It is further submitted that the victim has not supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and has also stated that she went with the petitioner on her own will, but the consent of a minor girl has got no value in the eye of law. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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