IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65370 of 2026

CNR No. BRHC010923422026

Arising Out of PS. Case No.-31 Year-2026 Thana- Amdanda District- Bhagalpur

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Alok Kumar S/O Upendra Prasad Singh @ Upendra Singh R/O Vill.- Ranibamiya, P.S.- Amdanda, District.- Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XX s/o YY R/o - Vill - Rabhidih, P.S. - Amdanda, District - Bhagalpur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

3 05-11-2026 Heard learned counsel for the petitioner, Mr. Sanjay Kumar Bharti and Mr. Murli Dhar, learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with Amdanda P.S. Case No. 31 of 2026 registered for the offences punishable under Sections 137(2) and 96 of the B.N.S., 2023 and Section 8 of the POCSO Act.

3. As per the prosecution case, the informant alleged that on 24.04.2026, his minor daughter along with two of her friends left for coaching classes but failed to return. During the search, it was discovered that the three girls were in contact with

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three youths over mobile phones. The informant claimed that the petitioner and another accused enticed and eloped with the girls with the intention of marriage.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case due to village politics and has no relation with the informant.

5. It is submitted that as far as Section 137(2) of the B.N.S is concerned, it is bailable in nature and Section 96 is merely ornamental to make the offence non-bailable. A bare perusal of the victim's statement recorded under Section 183 of the B.N.S.S, reveals that she went of her own free will and married the petitioner at Nasik without any force, coercion or physical relations. The medical report dated 30.05.2026 also provides clinical evidence of no recent sexual intercourse and estimates the victims's age between 17 to 19 years.

6. The petitioner is languishing in judicial custody since 11.05.2026 and has clean antecedent.

7. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts, the statement of the victim recorded under Section 183 of the B.N.S.S, medical

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report, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO-cum-DASJ-VII, Bhagalpur in connection with Amdanda P.S. Case No. 31 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

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