IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65197 of 2026
CNR No. BRHC010926342026
Arising Out of PS. Case No.-32 Year-2019 Thana- MAIRWAN District- Siwan

==========

Govinda Kumar @ Govinda Kumar Yadav @ Govinda Yadav Son of Bhadayi Yadav Resident of Village- Hathaura, P.S.- Hussainganj, Distt.- Siwan

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX Son of YYY Resident of Village- Lakshmipur, P.S.- Mairwa, Distt.- Siwan

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Kumari Anupam, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

5 29-10-2026 Heard the parties.

2. The petitioner seeks bail in connection with Mairwa P.S. Case No. 32/2019 registered for the offence under Sections 363 and 366A of the IPC and Sections 8 and 12 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 04.08.2026

4. The allegation against the petitioner is to kidnap the minor daughter of the informant for the purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner, is the brother of *bhabhi* of the victim and, therefore, he was a regular visitor to the family of

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victim, due to which the daughter of the informant developed love relations with petitioner. It is further submitted that out of said love they solemnized marriage in a temple and started living as wife and husband. It is submitted that out of said wedlock they have three childrens. Arguing further, it is submitted that during investigation statement of victim was recorded under Section 183 of the BNSS, where she stated the same, denying the allegation of kidnapping and sexual assault, rather it was stated that after solemnizing marriage she is living happily with this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Despite service of notice, none appeared on behalf of informant to join the present proceedings.

8. In view of aforesaid factual submission and by taking note of fact as victim *prima-facie* negated allegation of kidnapping and sexual assault against petitioner through her statement as recorded u/S 183 of the BNSS, rather she stated that they are living happily and have three childrens, coupled with

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fact as investigation of this case has already completed wherein petitioner remains in custody since 04.08.2026, accordingly petitioner above named, is directed to be released on bail in connection with Mairwa P.S. Case No. 32/2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 7th, Siwan /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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