

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69877 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- BHEJA District- Madhubani

Suraj Kumar @ Suraj Kumar Barhi, aged about 20 years, Male, S/o- Binod Mistri @ Binod Barhi R/o village - Bargama ward no. 12 , P.s- Bheja , District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Khatoon w/o- Md. Sultan, Resident of Village- Bhargama Ps- Bheja Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Parmanand Kumar, APP
For the informant	:	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-02-2026 Heard Mr. Ravi Prakash, learned counsel appearing on behalf of the petitioner; Mr. Parmanand Kumar, learned APP for the State and Mr. Shailendra Kumar Jha, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Bheja P.S. Case No. 38 of 2025 registered for the offence(s) punishable under Sections 126(2),115(2),76,74,352,351(2),3(5) of the BNS and later on Section 8/12 of POCSO Act was also added.

3. As per the allegation made in the FIR, the petitioner has kidnapped the minor daughter of the informant with an intention to commit wrong.



4. Learned counsel appearing on behalf of the petitioner submitted that charge-sheet has already been submitted and there is no question of tampering with the evidence or influencing the witnesses. Petitioner is aged about 20 years and has not committed any crime as alleged in the FIR. The petitioner has been roped in the present case due to previous enmity between the families of the petitioner and informant. Petitioner has clean antecedent.

5. Mr. Shailendra Kumar Jha, learned counsel, has tendered his appearance on behalf of the informant. He submitted that petitioner forcibly took the minor daughter of the informant with an intention to commit wrong and when the informant came to know about the said incidence and went to the house of the petitioner to complain about the same, all the accused persons named in the FIR including parents of the petitioner threatened him for dire consequences. Victim has supported the allegation made in the FIR in her statement recorded under Section 183 of BNSS, though the same is not on record.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made on behalf



of the parties, as well as, having taken into consideration the age of the petitioner, who is aged about 20 years and has just emerged as an adult and there is no reference of the statement recorded under Section 183 BNSS to support the allegation, the order dated 17.06.2025 of the learned District Court is modified by directing the learned District Court to call for the statement of the victim recorded under Section 183 BNSS and see, as to whether, the victim has supported the allegations made in the FIR voluntarily or she has been tutored and under threat has supported the allegation made in the FIR. In case, the victim has not supported the prosecution case then in that case, after analyzing the records and considering the fact that charge-sheet has been submitted, the learned District Court shall pass a fresh order in accordance with law, without being prejudiced by the earlier rejection order dated 17.06.2025 and observation made therein.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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