

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68664 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- GAMAHARIYA District- Madhepura

Ankush Kumar, aged about 19 years, Male, S/o- Makkhan Sah @ Makakhan Sah R/v- Gamhariya W.No-5, Ps- Gamhariya Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. X W/o- Dev Narayan Mehta Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Pooja Prasad, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-02-2026 Heard Ms. Pooja Prasad, learned counsel appearing on behalf of the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Gamhariya P.S. Case No. 97/2025 registered for the offence(s) punishable under Sections 96,352,3(5) of the BNS and Section 8,12 of the POCSO Act.

3. As per the allegation made in the FIR, petitioner along with two unknown persons has allegedly kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the incidence is of year 2025 and the petitioner has just emerged as an adult, as on the date of filing of



the present bail application, his date has been disclosed as 19 years. It has been submitted that the victim was recovered from bus stand on 26.05.2025 and the victim in her statement recorded under Section 183 BNSS has not supported the allegation made against the petitioner and has not taken his name, rather she has admitted that for ten days, she was in the house of hear *Mami*. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Having heard the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR, I find that the petitioner, who on the date of filing of the present bail application was 19 years old and the statement of the victim recorded under Section 183 BNSS don't support the allegation, as alleged by the informant, who is mother of the victim. In absence of any convincing evidence against the petitioner, the petitioner who has just emerged as an adult and having clean antecedent, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge VI - cum-Spl. Judge, POCSO, Madhepura / Concerned Court in connection with Gamhariya P.S. Case No. 97/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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