

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68665 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- TIKAPATTI District- Purnia

Niraj Kumar @ Neeraj Kumar, Aged about- 23 years, (Male) Son of Babu Lal Rishi, Resident of village- Dumari, P.S.- Tikapatti, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/O Subodh Kumar Modi Resident of Dumari, P.S.- Tikapatti, Dist.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Bhagat, Advocate
For the Informant	:	Mr. Bijendra Kumar Singh, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-02-2026 Heard Mr. Sumit Kumar Bhagat, learned counsel appearing on behalf of the petitioner; Mr. Bijendra Kumar Singh, learned counsel for the informant and Dr. Mrityunjaya Kr.Gautam, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Tikapatti P.S. Case No. 213 of 2024 registered for the offence punishable under Sections 137(2) and 96 of the B.N.S.

3. As per the allegation made in the FIR, the petitioner had allegedly kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that for the similar allegation, when the petitioner was juvenile, an FIR was lodged against the petitioner



being Tikapatti P.S. Case No. 95 of 2022 and the petitioner had remained in custody for 1 year and 6 months. After determination of age made by Juvenile Justice Board, the petitioner was released and he has been again roped in the present case for similar allegation, which cannot be sustained. Petitioner, who is aged about 23 years, has already suffered because of frivolous allegation levelled against him. The victim in her statement recorded under Section 183 BNSS, has given information that she was not kidnapped by the petitioner or his family members, rather, she had willingly solemnized marriage with the petitioner. 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. Learned counsel appearing on behalf of the informant submitted that two cases are pending against the petitioner, though, for the similar allegation. Petitioner has repeatedly tried to kidnap the minor daughter of the informant by luring her. Petitioner is now aged about 23 years and his conduct has affected the growth of the minor daughter of the informant and his entire family members have been subjected to face the consequences of void marriage. He further submitted



that the daughter of the informant being minor is still living with her parents. Petitioner don't deserve to be released on pre-arrest bail.

7. Having heard the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, I find that the petitioner is facing prosecution for similar allegation, which was alleged in respect of earlier case relating to Tikapatti P.S. Case No. 95 of 2022. The victim in her statement recorded under Section 183 BNSS in respect of the present case, has given statement that she was not kidnapped by the petitioner or his family members, rather, she had willingly solemnized marriage with the petitioner, however, the marriage of minor is void. The petitioner has emotionally tried to influence the minor daughter of the informant to be in relationship with him. The present is one case in which the victim girl got infatuated with the petitioner having been emotionally charged by the conduct of the petitioner.

8. Learned District Court is directed to verify the age of the victim and if it is found that she had attained majority on the date of her statement under Section 183 BNSS was recorded, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her 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 the learned District Court where the case is pending, in connection with Tikapatti P.S. Case No. 213 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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