

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71704 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- KOTHI District- Gaya

Birendra Kumar S/o Shiv Kumar Das R/o Village- Beninagar, P.S.- Bhadwar,
District- Gayaji

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Yadav S/o Bhikhari Yadav R/o Village- Telwari, P.S.- Kothi, District- Gayaji

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Advocate
For the State	:	Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. Despite service of notice, there is no representation on behalf of O.P. No. 2/informant.

03. In the present case, the petitioner seeks bail in connection with Kothi P.S. Case No. 65 of 2024 registered for the alleged offences under Sections 96 and 3(5) of B.N.S.

04. As per prosecution case, the petitioner enticed away the minor daughter of the informant.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner did not allure the daughter of the informant and did not take her away against her will. The daughter of the



informant has been studying in the same coaching institute and she had gone to Kolkatta with the petitioner on her own and in her statement recorded under Section 183 of B.N.S.S. she has specifically stated that she and the petitioner went to Kolkatta on 29.08.2024 but did not inform in her house and visited places and stayed there for two days. There is no allegation of any physical assault against the petitioner and the victim girl refused to undergo any medical examination. The petitioner is aged 19 years and he has done nothing illegal with the victim girl. The petitioner is in custody since 03.09.2024 and charge sheet has been submitted. The petitioner has clean antecedent.

06. Learned APP opposes the submission made on behalf of the petitioner.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl under Section 183 of B.N.S.S. and her assessed age of 16 years at which a girl develops sufficient majority and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to 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 Judicial Magistrate, Ist Class, Sherghatti, Gayaji/concerned Court in connection with Kothi P.S. Case No. 65 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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