

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72838 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- SRINAGAR District- West Champaran

BASHISHTH MUKHIYA @ VASIST MUKHIYA S/O JATAN MUKHIYA
VILLAGE- BAGHAMPUR, BIN TOLI ,WARD NO.- 14, POLICE
STATION- SHRINAGAR DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Gaddi S/O Late Islam Gaddi R/O Vill.- Pujahan Gadhiyani, Ward No.- 8, P.S- Shrinagar, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 10-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Shrinagar P.S. Case no.10 of 2024 registered under sections 366A and 34 of IPC and Section 8 of the POCSO Act.

3. The allegations in the F.I.R is that informant's minor daughter was kidnapped by the petitioner for the purpose of marriage.

4. Learned counsel for the petitioner submits that there is inordinate and unexplained delay of 45 days in lodging of the F.I.R inasmuch as while the occurrence took place on



18.12.2023, the F.I.R was lodged on 02.02.2024. It is further submitted that the statement of the victim was recorded under Section 183 of the B.N.S.S., which clearly indicates that the petitioner and the victim were in a love relationship. The victim voluntarily left her parental home out of her own free will and accompanied the petitioner and solemnized marriage in a temple in Banglore. It is further submitted that there is no allegation of any sexual assault at the hands of the petitioner. The petitioner is in custody since 13.08.2025 and has no criminal antecedent. He undertakes to cooperate with the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that the victim in her statement recorded under Section 183 BNSS has stated that she eloped with the petitioner out of her own sweet will and had solemnized marriage with him which negates the entire allegation of kidnapping and there is no allegation of any sexual assault upon the victim at the hands of the petitioner, the petitioner is directed to be enlarged on bail in connection with Shrinagar P.S. Case no.10 of 2024 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 Court concerned
where the case is pending/successor Court.

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

