

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72608 of 2025

Arising Out of PS. Case No.-504 Year-2025 Thana- AURANGABAD TOWN District-
Aurangabad

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Nitish Kumar S/o Jitendra Mehta R/o Village- Simari Dhamni, P.S.- Mali,
District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujata Devi W/o Mritunjay Kumar Singh R/o Gandhinagar, Ward No. 33,
P.S.- Town, District- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Aurangabad Town P.S. Case No. 504 of 2025 registered for the alleged offences under Section 137 of the Indian Penal Code and subsequently Sections 140(3)/96 of Bharatiya Nyaya Sanhita, 2023 and Section 4 of POCSO Act were added.

03. As per prosecution case, 17 years old daughter of the informant went missing and the informant named this petitioner for enticing away her minor daughter.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. This is a case of love affair between the petitioner and the daughter of the informant. The daughter of the informant has been recovered and her statement has been recorded under Section 183 of BNSS wherein she stated that she went to Ludhiana without telling her family members after calling out the petitioner. She also stated that both of them stayed together in rented room but no physical relationship was made. Thus, the learned counsel submits that there is no allegation of sexual assault. The age of the victim girl was assessed to be 17 years and the petitioner is aged about 29 years. The case has been lodged after delay of 31 days without any satisfactory explanation. There is no allegation of kidnapping or forcibly taking away the daughter of the informant against the petitioner. Learned counsel further submits that the petitioner is having clean antecedent and is in custody since 28.08.2025. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the daughter of the informant and her



age at which a girl develops sufficient maturity and also considering the period of custody of the petitioner and his clean antecedent along with 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 Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Aurangabad Town P.S. Case No. 504 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and 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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