

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74084 of 2025

Arising Out of PS. Case No.-492 Year-2025 Thana- HARSIDHI District- East Champaran

Prince Patel S/o Shambhu Patel @ Shambhu Kumar R/o Village- Kritpur
Mathiya, P.S.- Harsidhi, District- East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Kundan Kumar S/o Durgesh Mishra R/o Village- Kritpur Mathiya, P.S.-
Harsidhi, District- East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, A.P.P.
For the Informant	:	Mr. Karandeep Kumar, Advocate
	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner, Mr. Karandeep Kumar, learned counsel for the

informant and Mr. Ganesh Prasad Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.07.2025 in connection with Harsidhi P.S. Case No. 492 of
2025 for the offences punishable under Sections 137(2), 140(1),
87, 351, 352 and 3(5) of BNS and Sections 8 and 10 of POCSO
Act.

3. The prosecution story, in brief, is that on 15.07.2025
at about 19:45 P.M., the informant, Kundan Kumar, son of
Durgesh Mishra, resident of village- Kritpur Mathiya, P.S.-
Hersidhi, District- East Champaran, submitted written report
before the Officer-in-charge of Harsidhi P.S. alleging therein
that on 12.07.2025, accused-petitioner has kidnapped her minor



sister with the help of his friends with the intention of marriage.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner further submits that the victim in her statement recorded under Section 183 of BNSS has not supported the case of the prosecution.

5. The learned Additional Public Prosecutor and learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submitted that victim is a minor.

6. Considering the aforesaid facts and circumstances and the fact that petitioner is a person with clean antecedent and the victim has not supported the case of the prosecution, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th District and Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari, Bihar in connection with Harsidhi P.S. Case No. 492 of 2025, subject to the



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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