IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75905 of 2026
CNR No. BRHC011093102026
Arising Out of PS. Case No.-136 Year-2026 Thana- KHIJARSARAI District- Gaya

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Nitish Kumar S/o Kamlesh Chaudhary @ Kamlesh Chaudhari Resident of Village- Kutlupur, P.S.- Khizersarai, District- Gaya

... ... Petitioner/s

Versus

1. The State of Bihar
2. X W/o Y Resident of Village- Kutlupur, P.S.- Khizersarai, District- Gaya

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner seeks bail in connection with Khizersarai P.S. Case No. 136/2026 registered for the offence under Sections 96 and 3(5) of the BNS.

3. The petitioner is named in the F.I.R. and is in custody since 28.04.2026.

4. The allegation against the petitioner is to kidnap the minor daughter of informant along with other co-accused persons for the purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that as the love affairs of the daughter of informant with petitioner was not approved by her family members, the present false implication was raised against this

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petitioner. It is further submitted that out of love affairs daughter of informant left her parental home on her own and thereafter solemnized marriage with petitioner. It is submitted that this fact can be gathered from the statement of victim as recorded under Section 180 and 183 of the BNSS, where she stated that she left her parental home out of her own sweet will due to love affairs to solemnize marriage with petitioner. It is pointed out that despite being in custody for about six months not even single prosecution witness was examined suggesting that trial of this case is not likely to conclude in one year as provisioned under Section 35(2) of the POCSO Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as victim categorically negates allegation of kidnapping and sexual assault through her statement as recorded u/S 180 and 183 of the BNSS against petitioner rather solemnized her marriage with petitioner out of her love affairs, coupled with fact that investigation of this case has already

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completed, wherein petitioner remains in custody since 28.04.2026, accordingly petitioner above named, is directed to be released on bail in connection with Khizersarai P.S. Case No. 136/2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO cum Additional Sessions Judge-VII, Gaya/concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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