IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75954 of 2026
CNR No. BRHC011095992026
Arising Out of PS. Case No.-718 Year-2026 Thana- AGAMKUAN District- Patna

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Nikhil Kumar @ Nikhil Dhebar @ Nikhit Davar Son of Sri Nitant Kumar @ Nitant Dhebar Resident Of Village- Cheron Ps -sarmera District -Nalanda At Present Vijay Nagar Road No 3 P-26 Ps- Patrakar Namagr District -Patna

... ... Petitioner

Versus

1. The State of Bihar
2. X Daughter of Y Resident Of Village- Mitha Kuan Paliganj, Ps- Paliganj, Dist- Patna

... ... Opposite Parties

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Appearance :
For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.
: Mr. Purushottam Kumar, Adv.
: Mr. Pranshu, Adv.
For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The accused/petitioner seeks bail in connection with Agamkuan P.S. Case No.718 of 2026 registered for the offences punishable under Sections 137(2), 64, 61(2) & 3(5) of the B.N.S. and Sections 4 & 6 of the POCSO Act and Sections 6 & 8 of the Immoral Traffic Act.

3. The accused/petitioner is named in the FIR and is in custody since 06.07.2026.

4. As per FIR, co-accused Amit Kumar kidnapped the one minor girl aged about 13 years old, and kept her with co-accused, Arti Kumari at Mithapur and taken her to Ganga

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Mahal Hotel at Zeromile for immoral activities. Police on secret input raided the said hotel, room no.409, it found co-accused, Arti Kumari and the victim there, while in room no.408 another girl alongwith 8 boys were recovered.

5. Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioner submitted that the allegation of kidnapping is not available against this petitioner. It is submitted that at best, the petitioner may alleged to indulge in immoral activities. It is further submitted that nothing surfaced during the investigation which may suggest that the petitioner was under knowledge that the victim is minor. It is also submitted that the thrust of allegation is available against co-accused, Amit Kumar, Arti Kumari and Rupa Kumari.

6. Arguing further, it is submitted by learned counsel for the petitioner that several co-accused persons namely, Kundan Kumar, Amarjeet Kumar and Akshat Narayan were granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No.63467 of 2026 dated 01.10.2026, Cr. Misc No.63487 of 2026 dated 01.10.2026 and Cr. Misc. No.62851 of 2026 dated 07.10.2026 respectively, and therefore, as a matter of judicial parity, this petitioner also

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deserves bail.

7. While concluding argument, it is submitted that investigation of this case has already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

8. Learned APP opposed the prayer of bail.

9. In view of aforesaid factual submissions and by taking note of fact as the thrust of allegation *qua* kidnapping and to push victim into immoral activities is available against co-accused Amit Kumar, who is not the petitioner for the present, coupled with the fact that similarly situated co-accused persons have already been granted bail by different learned co-ordinate Benches of this Court as mentioned aforesaid, and further investigation of this case has already completed, wherein petitioner being a man of clean antecedent remains in custody since 06.07.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Rape & POCSO Act),

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Patna in connection with Agamkuan P.S. Case No.718 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Raushan/-

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