

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78458 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Piplawa District- Patna

NITISH KUMAR S/o Sri Bihari Mistri R/o Village- Anauli, P.S-
Bhagwanganj, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niranjan Kumar S/O Madan Mistri R/V - Bakua, P.O. - Poabo, P.S. -
Piplawan Naubatpur, Dist. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 27-04-2026 Heard learned counsel for the petitioner, Learned counsel
for the Opposite Party No.2 and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Piplawan P.S. Case No. 47 of 2025, Spl. (POCSO) Case No. 217 of 2025 registered for the offences punishable under Sections 137 (2), 96, 140 (3) of B.N.S and 8/12 of POCSO Act.

3. As per the prosecution case, the informant used to live at Dulhin Bazaar since last ten years and used to facilitate the education of his children. It is alleged that this petitioner started living with him since last ten months. It is alleged that, on 15.03.2025, at about 07.00 a.m., this petitioner enticed away his fourteen years minor daughter for the purposes of marriage. It has



further been alleged that the family members of the petitioner had helped in abduction of the victim girl.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the victim in her statement recorded under Section 183 of B.N.S.S, has expressed danger of her life as well as of the petitioner at the hands of her parents. It is further submitted that the petitioner and the victim were in love with each other and both of them entered into relationship through messages followed by talks and thereafter, both of them fell in love and this petitioner had performed marriage with the victim and the victim fled away with the petitioner at her own sweet will. It has further been submitted that there is no element of enticing or taking away the victim. Moreover, it has been submitted that, as per statement recorded under Section 183 of the B.N.S.S, she apprehends her danger and also of the petitioner at the hands of the father of the victim. It has further been submitted that the victim has refused her medical examination. It has been submitted that the petitioner is in custody since 15.05.2025 and has got no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the Opposite Party No.2 has vehemently opposed the prayer for bail of the petitioner. Learned counsel for the Opposite Party No. 2 has submitted that the victim has been released in her favour by this Hon'ble Court and the victim will be staying with him.



6. Heard the parties and perused the record, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VII-cum-Exclusive Special Judge, POCSO, Patna in connection with Piplawan P.S. Case No. 47 of 2025, Spl. (POCSO) Case No. 217 of 2025.

7. It is directed that the petitioner should co-operate in trial and will represent on each and every date fixed in the trial and failure on two dates without any reasonable explanation, the learned trial Court would be at liberty to cancel the bail bonds of the petitioner.

8. It is further directed that the petitioner should not tamper with the evidence and if he does so, the prosecution would be at liberty to file an appropriate application to cancel the bail bonds of the petitioner.

9. The application stands allowed.

(Praveen Kumar, J)

vashudha/-

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