

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79273 of 2025

Arising Out of PS. Case No.-741 Year-2024 Thana- PURNEA SADAR District- Purnia

Md. Sumit S/O Md. Muslim @ Md. Mustakim R/O Vill.- Red Light Area
Abdulla Nagar, Katihar More, P.S.- Sadar, District- Purnea Petitioner/s
Versus

1. The State of Bihar
2. Ajay Kumar S/O Late Anutha Ram R/O Vill.- Kodalhiya Hariyanayan, P.S.-
Harinarayan Mahindwara, Dist.- Sitamarhi Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with Sadar
P.S. Case No. 741 of 2024, registered for the offence under
Sections 127(6), 140(4), 143, 145, 64, 61, 352, 351(2) and 3(5)
of the BNS, Sections 4 and 6 of the POCSO Act and Sections 3, 5,
4 and 6 of the Immoral Traffic Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 13.12.2024.

4. The allegation against the petitioner is to push victim
girl, in immoral activities, where she was rescued by the informant
being SHO of Purnea Sadar on police raid made on 13.12.2024 at
6.30 AM.

5. Learned counsel appearing on behalf of the petitioner
submitted that police while arresting this petitioner failed to



prepared any arrest memo in terms of Section 47 of the BNSS and, therefore, in want of non-compliance of said mandatory provisions, the arrest of petitioner is bad in eye of law and in support of same, the learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Vihaan Kumar Vs. State of Haryana and Another*** reported in ***(2025) 5 SCC 799***. It is pointed out that as per statement of the victim recorded under Section 183 of the BNSS, it transpires that she was recovered from Panjipara in the State of West Bengal, which completely falsifying the case against the petitioner that upon police raid victim was recovered from the house of the petitioner at Purnea. It is pointed out that victim left her home on her own. It is pointed out that on request of victim, help was extended by this petitioner to her and she was assured for a secure return to home. It is submitted that this fact also surfaced while recording the statement of Section 183 of the BNSS of the victim. It is also submitted that on the basis of secret information, this petitioner was implicated falsely with present case. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.



6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* out of statement of victim as recorded under Section 183 of the BNSS, the place of her recovery appears doubtful, as she was recovered upon police raid from the house of this petitioner at Purnea, coupled with the fact as investigation of this case is already completed, where petitioner remains in custody since 13.12.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Sadar P.S. Case No. 741 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 06th -cum-Special Judge (POCSO), Purnea/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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