

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79651 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- BIHRA District- Saharsa

Nitish Kumar Son of Devanand Yadav R/o Village- Belahi Ward No. 7, P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of - Y R/o Village- Rakiya Ward No. 6, P.S.- Bihra, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP
For the Informant : Mr. Diwakar Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner, learned
 APP for the State, learned counsel for the informant and perused
 the case diary.

2. The petitioner seeks bail in connection with Bihar P.S. Case No. 213 of 2024, instituted for the offences punishable under Section 96 of the Bharatiya Nyaya Sanhita, 2023, later on Sections 137(2), 65(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 4, 6 of POCSO Act and Section 9 of Child Marriage Act was added.

3. The prosecution case, in short, is that minor daughter of the informant went missing at night from her house and also took Rs. 1,50,000/- along with gold jewellery from the



almirah with her. It is further alleged that the petitioner lured the minor daughter of the informant and took her away with him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submitted that the petitioner has not committed such offence as alleged in the FIR. It is further submitted that the victim has not stated anything against the petitioner in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 rather she has stated that she went on her own will to the house of the petitioner and solemnized marriage with him. The petitioner is in custody since 04.12.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation levelled against the petitioner of luring the victim who is a minor and performing marriage with her. Learned counsel for the informant also submitted that the trial is in progress and five witnesses have already been examined in this



case. Learned counsel for the informant relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case, nature of accusation, present stage of the case and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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