IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80342 of 2026

CNR No. BRHC011155552026

Arising Out of PS. Case No.-137 Year-2026 Thana- BASANHI District- Saharsa

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Ajay Kumar Son of NIrmal Kamti Resident of Village- Garsail, P.S.- Basnahi, District- Saharsa (Bihar)

... ... Petitioner

Versus

1. The State of Bihar
2. Ranjan Devi Wife of Jainandan Mehta Resident of Mokma, Ward No. 8, P.S.- Basnahi, District- Saharsa

... ... Opposite Parties

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Appearance :
For the Petitioner : Mr. Vivek Anand Amritesh, Adv.
For the Opposite Parties : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Basnahi P.S. Case No.137 of 2026 registered for the offences punishable under Sections 137(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Sections 8 and 12 of POCSO Act.

3. The petitioner is named in the FIR and is in custody since 20.07.2026.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant aged about 17 years on

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18.07.2026 at about 7:00 P.M., and further in the morning at about 5:00 A.M., when petitioner was going outside village with the victim/minor daughter of the informant on motorcycle bearing Registration No. BR43AF 8163, the informant came in front of the motorcycle and apprehended the petitioner. The informant was assaulted during the occurrence due to which she received injuries. The daughter of the informant disclosed that she was in love with Ajay Kumar(petitioner) and she was roaming around on his motorcycle throughout night and, thereafter, she was confined in a room.

5. It is submitted by learned counsel appearing for the petitioner that the allegation of sexual assault is not available even through FIR . In this context, it is submitted that the daughter of the informant was in love with this petitioner and when they decided to leave village, they were apprehended by the informant. It is submitted that during investigation the statement of victim was recorded under Section 183 of the BNSS, where she even failed to name this petitioner, contrary to the statement made by the

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informant in the FIR. It is submitted that in view of same, it can be safely said that allegation against petitioner is not of convincing in nature. While concluding argument, it is submitted that investigation of this case has already been concluded, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as the victim/daughter of the informant prima-facie failed to name this petitioner in her statement recorded under Section 183 of the BNSS, contrary to the FIR which suggest the indulgence of this petitioner with present crime in question coupled with the fact that investigation of this case has already been concluded, wherein petitioner being a man of clean antecedent remains in custody since 20.07.2026, 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

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learned Additional Sessions Judge- VI cum-designated Judge(POCSO), Saharsa, in connection with Basnahi P.S. Case No.137 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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