IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80967 of 2026

CNR No. BRHC011165312026

Arising Out of PS. Case No.-128 Year-2026 Thana- Geedha District- Bhojpur

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Mithlesh Kumar S/o Nand Paswan Ro Village - Kyamnagar, P.S. - Gidha, Dist. - Bhojpur, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Suraj Prakash, Advocate
Mr. Gaurav Kumar, Advocate
Ms. Sulekha Kumari, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned A.P.P. on behalf of the State.

2. This application is filed for grant of regular bail to the petitioner who has been made accused in connection with Gidha P.S. Case No. 128 of 2026, registered for the offences punishable under Sections 96 and 61(2) of the B.N.S.

3. As per the prosecution case, the informant alleged that on 08.06.2026, the petitioner enticed and took away his 17-year-old minor sister from home with the intention of marrying her. The co-accused actively assisted and facilitated the abduction, while two suspicious mobile phone numbers were cited as being involved in aiding the act.

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4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the FIR and has been falsely implicated in the present case due to village misunderstandings. It is stated that, upon recovery of the statement of the victim under Section 183 of the B.N.S.S. recorded before the Judicial Magistrate confirmed that she left her home on her own sweet will and she married the petitioner and wishes to live with him, completely negating abduction or force. Further, it is stated that the present matter is a *bona fide* case of consensual elopement and marriage between young persons.

5. Learned counsel for the petitioner submits that investigation has been completed and charge-sheet has been filed against the petitioner and the petitioner is in judicial custody since 25.06.2026 having a clean antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the fact that the victim and the petitioner are in a consensual relationship and also taking into consideration the statement of the victim recorded under Section 183 of the B.N.S.S., the period of custody and also the materials available on record, the petitioner, above named, is directed to

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be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand rupees) with two sureties of the like amount each to the satisfaction of the Court of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Gidha P.S. Case No. 128 of 2026 on the following conditions:-

(i) That one of the bailors should be family member of the petitioner.

(ii) That the petitioner will cooperate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the Court, he should physically appear in Court on that date.

(iii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

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