

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80440 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- MASAUDHI District- Patna

Nitish Kumar S/O Lalbesar Bind Resident of Village- Baririchak, P.S- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X S/O Late Baban Bind R/O Village- Bairichak, P.O and P.S- Masaurhi, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP
For the Informant : Mr. Abhoy Kumar Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 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 Masaurhi P.S. Case No. 46 of 2025, instituted for the offences punishable under Sections 17(2), 96 of the Bharatiya Nyaya Sanhita, 2023 and subsequently Sections 8/12 of POCSO Act.

3. The prosecution case, in short, is that the petitioner has enticed away informant’s daughter.

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. Learned counsel for the petitioner also submitted that the allegation levelled against the petitioner is general and omnibus in nature. It is next submitted that the victim has left her house on her own will. 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 and the victim has also refused for her medical examination. The petitioner is in custody since 04.03.2025 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.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Masaurhi P.S. Case No. 46 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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