

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82187 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- SAUR BAZAR District- Saharsa

Nitish Kumar S/o- Sikendra Yadav @ Sito Yadav R/v- Khajuri W.No-12, Ps-
Bajjnathpur Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Raghunandan Yadav S/o- Anandi Yadav R/v- Pupauli W.No-9, Ps- Sour
Bazar Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
For the Informant	:	Mr. Pushp Raj Singh, Advocate
For the State	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2026 Heard Mr. Binod Kumar Sinha, learned counsel for
the petitioner, Mr. Pushp Raj Singh, learned counsel for the
Informant and Mr. Harendra Prasad, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
18.06.2025, in connection with Sour Bazar P.S. Case No. 70 of
2025, F.I.R. dated 07.03.2025 registered for the offences
punishable under Sections 137(2), 96, 3(5), 64 of the B.N.S,
2023, Sections 08, 12 of POCSO Act and Section 9 of the Child
Marriage Prohibition Act, 2012..

3. Allegation against the petitioner is that he has
kidnapped the victim girl with an intention to marry with her.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner was in love with the victim girl and the victim was recovered and her statement was recorded under Section 183 of the B.N.S.S., 2023 in which she has not supported the case of the prosecution and apart from aforesaid she has also refused for her medical examination and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.06.2025.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and victim has not supported the case of the prosecution in her statement recorded under Section 183 of the B.N.S.S., 2023 and she has also refused for her medical examination, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI-CUM-Special Judge, POCSO, Saharsa in connection with Sour



Bazar P.S. Case No. 70 of 2025, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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