

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86169 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- BIHRA District- Saharsa

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Ajit Kumar S/O Bilash Yadav Resident of Village- Nandlali, Ward No. 01,
P.S.- Bihra, District- Saharsa. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Yadav S/O Mukum Yadav Resident of Village- Nandlali, Ward No. 01,
P.S.- Bihra, District- Saharsa. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. However, despite

valid service of notice, no one appears on behalf of O.P. No. 2.

2. The petitioner seeks bail in a case registered for the

offence punishable under Sections 137(2), 96, 64, 3(5) of the

B.N.S. and Section 4, 6 of the POCSO Act.

3. Petitioner along with other accused persons are said

to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted

that the present case arises out of love relationship between the
petitioner and the victim and the victim after recovery in her
statement recorded Section 183 of the B.N.S.S. has clearly
stated that she had made a call to the petitioner whereafter she
went along with him to Saharsa and then Madhepure and while
coming back to Saharsa, they were apprehended by the police.

She has disclosed her age as 17 years six months and even



according to the medical examination report, her age has been found to be between 18 to 20 years, as such, the provisions of the POCSO Act would not be applicable. Further, no sign of any injuries or assault was seen on the body and no spermatozoa was found in the vaginal swab. The victim has also not alleged any assault etc. in her statement under Section 183 of the B.N.S.S. Further, the petitioner with no criminal antecedent is in custody since 04.07.2025.

5. Learned APP for the State has opposed the application for bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the statement of victim, who is on the verge of majority, under Section 183 of the B.N.S.S. considering the possibility of love relationship between the petitioner and the victim, let the above named petitioner, be enlarged 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 the learned court below where the case is pending/successor court in connection with Bihra P.S. Case No. 161 of 2025.

(Soni Shrivastava, J)

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