

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86766 of 2025

Arising Out of PS. Case No.-320 Year-2025 Thana- CHANDI District- Nalanda

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Budhan Kumar @ Budhan Bind S/o- Kailash Prasad R/v- Patshaiya Ps-
Harnaut Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aklesh Kumar S/o- Ramugri Yadav R/v- Birnavan Ps- Vena Dist- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar No. I, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Despite of valid service of notice, no one appears on
behalf of the petitioner.

2. Heard Mr.Anil Kumar No. I, learned counsel for
the petitioner and Mr.Awadhesh Kumar Singh, learned
Additional Public Prosecutor for the State.

3. The petitioner seeks bail, who is in custody since
23.06.2025 in connection with POCSO Case No. 173 of 2025
arising out of Chandi P.S. Case No. 320 of 2025, F.I.R. dated
20.06.2025 registered for the offence punishable under Sections
137(2) and 140(3) of BNS and subsequently Section 65(1) of
BNS and Section 4/6 of POCSO Act were added.

4. The informant has suspected that the petitioner has
abducted her daughter.



5. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 18.06.2025 but the present FIR has been instituted on 20.06.2025 after delay of two days without giving any explanation of delay and it appears from the FIR itself that the informant has suspected that the petitioner has abducted her daughter. Learned counsel for the petitioner submits that statement of the victim was recorded under Section 183 of BNSS, 2023 and although she has alleged that the petitioner and co-accused person have abducted her but she has not stated anything about the sexual assault against the petitioner, apart from that, in paragraph-40 of the case diary she has refused for her medical examination and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 23.06.2025.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent, victim has not stated anything about the sexual



assault against the petitioner in her statement under Section 183 of BNSS, 2023, apart from that, she has refused for her medical examination, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th District Judge-cum-Special Judge, POCSO, Biharsharif, Nalanda in connection with POCSO Case No. 173 of 2025 arising out of Chandi P.S. Case No. 320 of 2025, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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 antecedent, 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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