

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87567 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- BALRAMPUR District- Katihar

Sumit Roy Son of Jai Prakash Roy R/o Village - Madhipara, P.S.- Azamnagar,
Dist.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Late Udabam Singh R/o Village- Khairan, P.S.- Balrampur, District-
Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr.Ahmad Ali, APP
For the Informant	:	Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Heard Mr.Sharda Nand Mishra, learned counsel for
the petitioner, Mr. Bimal Kumar, learned counsel for the
informant and Mr.Ahmad Ali, learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
08.08.2025 in connection with Balrampur P.S. Case No. 130 of
2025, F.I.R. dated 02.08.2025 registered for the offence
punishable under Sections 137(2),96 of BNS and chargesheet
has been submitted under Sections 137(2),96 of BNS and
Section 4 of the POCSO Act.

3. Allegation against the petitioner is that he had
kidnapped the victim on the pretext of marriage.

4. Learned counsel appearing for the petitioner



submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the victim was in love with the petitioner and both have performed the marriage at West Bengal and apart from the aforesaid, the statement of the victim was recorded under Section 180 of BNSS, 2023 in which she has not supported the case of the prosecution but after some time the statement of the victim was recorded under Section 183 of BNS, 2023 in which she has reversed the statement as mentioned in Section 180 of BNSS, 2023 which suggests that both the statements of the victim are contradictory to each other, apart from that, it has come during investigation that the victim has refused for her medical examination and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 08.08.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 District & Additional



Sessions Judge-VII-cum-Special Judge, POCSO Act, Katihar in connection with Balrampur P.S. Case No. 130 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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