

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87666 of 2025

Arising Out of PS. Case No.-133 Year-2024 Thana- BASANHI District- Saharsa

Boa @ Babul @ Babul Yadav @ Boa Kumar @ Babu Kumar Son of Panchu
Yadav Resident Of Village- Khajuraha Ps- Sonbarsa District- Saharsa

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X Son of Y Resident Of Village-and Po- Mokma Suthniya Ward no. 1, Ps-
Basanhi, Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-04-2026 Despite valid service of notice, no one appeared on
behalf of Informant.

2. Heard Mr. Diwakar Prasad Singh, learned counsel
for the petitioner as well as Mr. Tarun Prasad Mandal, learned
Additional Public Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
27.05.2025 in connection with Basnahi P.S. Case No. 133 of
2024, F.I.R. dated 16.07.2024 for the offences punishable under
Sections 137(2), 96, 3(5) of the Bharatiya Nyay Sanhita, 2023.

4. According to prosecution case, it is alleged that the
petitioner along with other accused persons kidnapped the
daughter of the informant, aged about 17 years.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Infact the petitioner was in love with the victim girl and he had performed marriage with the petitioner in a temple on 14.07.2024 in presence of family members of both the parties and now the couple is blessed with a child the victim is residing in house of the petitioner with full honor and dignity and apart from that the victim in her statement recorded under Section 183 BNSS did not support the case of the prosecution and she has categorically stated that she has performed marriage with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.05.2025.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, 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 the learned Special Judge POCSO Act, Saharsa in connection with Basnahi P.S. Case No. 133 of 2024, subject to 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 absence on two consecutive dates without sufficient reason, his 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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