

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89583 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- Sikandarpur District- Muzaffarpur

Prakash Kumar @ Om Prakash Kumar S/o Jay Mangal Prasad Resident of
village- ward no 9, Madhahga, P.S.- Rajepur, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX W/o Bhola Raut R/o vill - Sikandrapur, ward no. 13, P.s.- Sikandrapur,
Distt.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 18-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sikandrapur P.S. Case No. 22 of 2024 registered for the offences punishable under Sections 366(A) of the Indian Penal Code.

3. As per the prosecution case, on 03.04.2024 at about 4:00 A.M., the daughter of the informant/victim left her house to go to her aunt's house but did not return. Thereafter, a hectic search was conducted, but no trace of her was found. It has been alleged that, in the course of the search, it came to light that one Prakash Kumar (petitioner), who used to reside near the house



of the informant, had enticed away the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has been further submitted that the statement of the victim recorded under Section 183 of the BNSS which was called for by order dated 19.01.2026 indicates that the victim joined the company of the petitioner out of her own free will, and there was no element of “enticing away” or “taking away” so as to constitute an offences under Section 366(A) of the IPC. Moreover, the victim is on the verge of attaining majority and she was not of such tender age so as to not understand the consequences of her action. The petitioner is in custody since 03.11.2025 and charge sheet has been submitted and there is no allegation of tampering with evidence. Lastly, it has been submitted that though the petitioner has one criminal antecedent but not of similar nature of offence and he is on bail in that case.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and particularly the statement of the victim recorded under Section 183 of the B.N.S.S., let the petitioner above-



named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur, in connection with Sikandrapur P.S. Case No. 22 of 2024.

7. The application stands allowed.

(Praveen Kumar, J)

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