

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88714 of 2025**

Arising Out of PS. Case No.-509 Year-2023 Thana- CHIRAIYA District- East Champaran

Mithlesh Kumar Son of Ramyash Sahani Resident of village - Sonrapur,  
Jhagrua Chhati, P.S.- Kesariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] Resident of village - Godhiya, P.S.-  
Sikarganj, District - East Champaran

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

5      19-03-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 504, 307, 366(A) and 34 of the IPC and Sections 4 and 8 of the POCSO Act.

3. The case of the prosecution is that one Abhishek Kumar has kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that during investigation, the victim was recovered and she has given her



statement recorded under Section 164 of CrPC wherein she has stated that Abhishek Kumar and this petitioner have caught her when she had gone to ease herself and closed her in a room. In morning, she was released by their mothers. From the statement of the victim, it is clear that only allegation against this petitioner and one Abhishek is that they have caught the victim and have taken her to their house and closed her in a room. Learned counsel has submitted that from perusal of the FIR, it is clear that as per the case of the prosecution, one Abhishek has kidnapped the minor daughter of the informant whereas during investigation, the story of the prosecution has been developed and name of this petitioner has also been impleaded. Learned counsel has further submitted that the victim has been recovered on next morning and there is no any other allegation against this petitioner. He has further submitted that Abhishek Kumar has been granted bail by learned trial court itself. Moreover, the petitioner is languishing in judicial custody since 16.10.2025 having no criminal antecedent.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chiraiya (Shikarganj) P.S. Case No. 509 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6<sup>th</sup> District and Additional Sessions Judge cum Exclusive Special Judge, POCSO Act, East Champaran, Motihari.

**(Ashok Kumar Pandey, J)**

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