

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90224 of 2025

Arising Out of PS. Case No.-447 Year-2024 Thana- KONCH District- Gaya

Nitish Kumar Son of Vijay Ram Resident of village -Konch P S- Konch District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in connection with Konch P.S. Case No. 447 of 2024 instituted for the offences punishable under Sections 96, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the informant has alleged that her minor daughter had gone out to bring grass and thereafter she could not be traced. It is further alleged that earlier also the accused persons including the petitioner had kidnapped the daughter of the informant and therefore the informant suspects that it was the petitioner and one Akshay Kumar who had kidnapped her daughter.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated and the allegation of kidnapping even earlier is false as no case for the same was lodged. It is further submitted that the allegation of the daughter of the informant being minor is also falsified from the medical examination report where the doctor has found the age of the victim to be 19 years. It has been submitted that moreover from the statement of the victim under Section 183 of the BNSS it would transpire that she had not even alleged a single word against this petitioner and she has only stated about the co-accused Akshay Kumar. Lastly, it has been submitted that the petitioner has clean antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Gaya in connection with Konch P.S. Case No. 447 of 2024, subject to the conditions as laid down under Section 482



of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

7.It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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