

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.449 of 2026

Arising Out of PS. Case No.-179 Year-2025 Thana- HILSA District- Nalanda

Rahul Kumar S/o Ramdahin Mistre @ Ramadhin Mistry R/o Village - Alipur,
P.S - Hilsa, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX S/o Late Lakhan Prasad Resident of - Alipur, P.S - Hilsa, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the State	:	Mr. Nirmala Kumari, APP
For the O.P. No. 2	:	Mr. Shyamal Prakash, Advocate Mr. Raushan Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioner, learned counsel for the O.P. No. 2 and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Hilsa P.S. Case No. 179 of 2025 registered for the offences punishable u/s 96, 351(2) and 3(5) of the B.N.S.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor grand-daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that there is a delay of four days in lodging the FIR without giving any plausible reason



for the same. Pursuant to the order dated 15.01.2026, it is evident that the case diary and statement of the victim under Section 183 of the B.N.S.S, has been called for and in such statement she has stated that her parents were trying to forcibly marry her and she objected the same. Further, she stated that on 30.04.2025 the persons were coming to see her for the purpose of marriage. Therefore, on 28.04.2025 at 07:00 P.M., she went out, called the petitioner and expressed her desire to join the company of the petitioner. Thereafter, both of them took an auto rickshaw to Patna and subsequently, they went to Ranchi and performed their marriage on 01.05.2025 in a Tempo.

5. Learned counsel for the petitioner referring to the Statement of the victim under Section 183 of the B.N.S.S., has submitted that there is no element of enticing or taking away as provided under section 137(2) B.N.S so as constitute an offence under Section 96 of the B.N.S. Moreover, there is no allegation as per the statement of victim girl that any physical relationship was established and the petitioner is custody since 23.05.2025 and has got no criminal antecedent. It is lastly submitted that the charges have been framed and the petitioner undertakes to co-operate in the trial.

6. Learned APP for the State and learned counsel for



the O.P. No. 2 have vehemently opposed the prayer for bail of the petitioner and submitted that the victim is a minor girl as per the school certificate.

7. Considering the aforesaid submissions of the parties and also considering the fact that the victim has not alleged any misbehavior against the petitioner and no physical relationship was established between them, 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, Nalanda, in connection with Hilsa P.S. Case No. 179 of 2025.

8. The application stands allowed.

(Praveen Kumar, J)

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