

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.398 of 2026

Arising Out of PS. Case No.-12 Year-2025 Thana- KRITYANAND NAGAR District- Purnia

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Gabbar Kumar Mahaldar @ Gabbar Kr. Mahaldar S/o Umesh Mahaldar
Resident of Village- Kajha Baniya Patti, P.S- K. Nagar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Pal S/o Late Phulchal Pal R/o Village- Kajha Baniya Patti, Krityanand Nagar, P.S- Krityanand Nagar, Dist- Purnea.
3. XXX D/o YYYY R/o Village- Kajha Baniya Patti, Krityanand Nagar, P.S- Krityanand Nagar, Dist- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnish Kumar Singh, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Sumit Kumar Bhagat, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 22-07-2026 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with K.

Nagar P.S. Case No. 12 of 2025 instituted for the offence under

Sections 126(2), 115(2), 137(2), 96, 352, 61(2) & 351(2) of the

Bharatiya Nyaya Sanhita, 2023.

3. As per prosecution case, petitioner allegedly

abducted the minor daughter of the informant with malicious

intent.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 21.05.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has not supported the prosecution case. She herself stated that she went with the petitioner at her own volition and solemnized marriage with him. Learned counsel for the petitioner submits that victim has refused for her medical examination.

6. Learned A.P.P. for the State and learned counsel for the informant has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim is minor and there is no value of her consent in the eye of law. Charge sheet has already been submitted in this case under Sections 137, 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, victim is minor and charge sheet being submitted under Sections 137, 96 & 3(5) of the Bharatiya Nyaya Sanhita,



2023, Section 4 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, this Court at this stage is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, petitioner will be at liberty to renew his prayer for bail in the court below if the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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