

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91346 of 2025

Arising Out of PS. Case No.-1188 Year-2025 Thana- SAHARSA SADAR District- Saharsa

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Ashu Kumar S/o Ramdatt Kumar @ Ramdatt Pal Resident Of Ward No 14,
Kajaha, PS- Laukaha, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. x x x S/o Ramdeo Ram R/o Laukaha, Supaul, P.S.- Supaul, Distt.- Supaul

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mritunjay Kumar
For the Opposite Party/s :	Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 15-01-2026 1. By means of this bail application, petitioner, who is involved in connection with Saharsa Sadar P.S. Case No. 1188 of 2025 registered for the offences under Sections 137(2) and 96 of the BNS, 2023 seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per the prosecution case, in brief, informant who is father of victim gave an application dated 20.10.2025 to S.H.O., Sadar Police Station, Saharsa for registration of F.I.R. against the petitioner stating inter alia that on 19.10.2025 at about 10:25 A.M. his daughter had left the house for coaching but she did



not return. Later on, it was revealed that she was having telephonic conversation with the petitioner Ashu Kumar hence, he believes that his daughter was enticed away by the petitioner.

4. It is argued by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this case due to ulterior motive. It is further argued that victim herself returned to her home and thereafter, she was brought by her father to police station where her statement under Section 180 of the BNSS was recorded in which she did not make allegation of committing any misdeed with her against the petitioner whereas she had disclosed that she had friendship with the petitioner and there were telephonic conversation between them. She has also stated that on 19.10.2025, she had gone to the house of her friend where she stayed in night and in the morning she herself called the petitioner and went with him to a guest house. It is also pointed out that on 20.11.2025, the informant moved an application before the trial Court stating *inter alia* now on the intervention social workers, respectable persons and relatives, the dispute between the parties has come to an end, hence he does not want to prosecute the petitioner. The petitioner, has criminal history of one case in which he is on bail. Averments in this regard have been mentioned in paragraph



no.3 of the bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioner have also been placed forth before the Court. Lastly, it is submitted that petitioner is languishing in jail since 24.10.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. but he does not dispute the averment made in bail application and the submission made at the bar on behalf of the petitioner.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that victim did not make allegation of any misdeed against the petitioner. It is also not in dispute that informant moved an application before the trial Court mentioning therein that on account of compromise between the parties, he does not want to prosecute the petitioner. The investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering with the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of



fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

8. Accordingly, the bail application of the petitioner stands **allowed**.

9. Let the petitioner namely, Ashu Kumar be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) That the petitioner shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioner.



(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) That the petitioner shall not directly or indirectly involve in any criminal activity after being released on bail.

(iv) In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

10. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.



11. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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