

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90993 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Abhishek Kumar S/o- Ashok Mahto R/v- Damodarpur Surauli, Ps- Bibhutipur
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Pampy Kumari, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-01-2026 Heard Mrs.Pampy Kumari, learned counsel for the
petitioner and Mr.Rajesh Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.10.2025 in connection with Bibhutipur P.S.Case
No.112/2024, F.I.R. dated 08.04.2024 registered for the offences
punishable under Sections 363,366(A)/34 of IPC, as of now
Sections 137(2),96,3(5) of BNS, 2023.

3. The prosecution case, in short, is that on 04 at 5.00
PM, accused persons including the petitioner are alleged to have
kidnapped the daughter (the victim) of the informant aged
about 15 years for the purpose of her marriage.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner



has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim and petitioner has performed the marriage with the victim and from the wedlock one child has been born and victim is living in the house of the petitioner as wife and the statement of the victim was recorded under Section 164 Cr.P.C./Section 183 of BNSS, 2023 in which she has categorically stated that she has performed the marriage with the petitioner and one child has also been born. The police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.10.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, victim has not supported the case of the prosecution in her statement under Section 164 Cr.P.C./Section 183 of BNSS, 2023 and she has performed the marriage with the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, Samastipur in connection with Bibhutipur P.S.Case No.112/2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that 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 bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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