

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91901 of 2025

Arising Out of PS. Case No.-496 Year-2025 Thana- MAJHAULIA District- West Champaran

Nand Lal Sahni @ Nand Lal Kumar S/o Hari Lal Sahni R/o village -
Majhariya Shaikh Ward No. 2, P.S - Majhauriya, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Village - Lalsaraiya Malahi Tola Ward No. 09, P.S -
Majhauriya, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Niraj Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-03-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 96, 137(2)
and 3(5) of BNS.

3. The case of the prosecution is that the minor
daughter of the informant was kidnapped by this petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner has submitted that during course of
investigation, the victim was recovered and she has given her
statement recorded under Section 183 of BNSS wherein she has



categorically stated that she has gone to Delhi with the petitioner with her own sweet will. She has not alleged any kind of assault against the petitioner and in view of the statement of the victim, the allegation under Sections 4/6 of the POCSO Act is not made out. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 09.09.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that the victim is aged about 15 years and it has been submitted that during course of investigation, school leaving certificate has been filed by the I.O. which goes to show that the date of birth of the victim is 01.01.2010.

6. Countering this, learned counsel for the petitioner has submitted that age of the victim has to be done in view of Section 94 of J.J. Act, 2015 and the school leaving certificate is not a document of her age in view of above provision. Moreover, the victim has gone with the petitioner with her own will.

7. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Majahuliya P.S. Case No. 496 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO cum D.A.S.J-VI, West Champaran at Bettiah.

(Ashok Kumar Pandey, J)

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