IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34522 of 2026

Arising Out of PS. Case No.-419 Year-2025 Thana- BIHIA District- Bhojpur

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Roshan Kumar, Male, aged about 21 years, S/o Ganesh Ram R/o Village- Dusadi Tola, Fingi, P.S- Bihiya, Dist- Bhojpur (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 20-08-2026 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bihiya P.S. Case No. 419 of 2025 registered for the offence(s) punishable under Sections 137(2) and 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner is said to have kidnapped the minor maternal granddaughter of the informant with bad intentions.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he was in love relationship with the survivor and has not forcibly kidnapped her, rather the survivor willingly went with the petitioner. The statement of girl has been recorded under Section

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183 of BNSS in which she has also stated she willingly went with the petitioner. Petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that the learned District Court *vide* order dated 30.03.2026 after making following observation has rejected the bail application of the petitioner, who is aged about 21 years and appears to have just emerged as an adult:

> *"That the statement of the victim recorded under Section 183 of BNSS mentioned in Para 58 of case diary in which she has stated that she left her house on her own and went with her friend Priya to Varanashi and Maliyabag but in the statement of victim recorded u/s 180 of BNSS mentioned in para 56 of case diary in which she has clearly stated that she went with the accused Roshan Kumar to Maliabagh where they stayed together in rented room for some days. The statement of the witnesses in para 02 and 03 of case diary reveals that the petitioner has admitted the presence of victim with him to these witnesses. In case record there is admit card of victim is attached in which her date of birth mentioned is 21.03.2010 and she was accordingly minor at the time of occurrence.*

7. The matter is remitted back to the learned District Court to hear the petitioner afresh and pass a reasoned order in accordance with the law laid down by the Apex Court in case of ***Ayyub Malik and Anr. versus State of Uttarakhand and Anr.*** reported in ***2026 INSC 331,*** well within a period of two weeks

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from the date of communication of this order. Having regard to the age of the petitioner and the right guaranteed under Article 21 of the Constitution of India, the learned District Court must not delay in adjudicating into the matter, particularly when all relevant materials are already available on record and had been considered while rejecting the earlier bail application.

8. Till then, no coercive steps shall be taken against the petitioner in the aforesaid case,

9. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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