

**IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM-
SPECIAL JUDGE (SC/ST, NDPS & CHILDREN ACT)
AURANGABAD (BIHAR)**

BAIL APPLICATION NO. 188 OF 2026

AURANGABAD (MUFFASIL) PS CASE NO: 461 OF 2025

Harsh Kumar, aged about 26 years, S/o-Mrityunjay Kumar Singh, R/o Village-Kushi, PS-Muffasil District-Aurangabad(Bihar)

....Petitioner

Versus

State of Bihar

....Prosecution

Appearance:

Learned Counsel for the accused-petitioner
Learned Counsel for the State

- Shri Krishna Pratap, Ld. Advocate
- Shri Ram Naresh Prasad, Ld. APP

Order with signature of the Court

Dated
12.03.2026

The bail preferred on behalf of the accused-petitioner namely **Harsh Kumar** who has been in judicial custody since 29.01.2026 in connection with Aurangabad(Muffasil) PS Case No. 461/2025 under Section 96 of the Bhartiya Nyaya Sanhita (BNS), 2023. The CD and LCR was called for and the same has been received. After furnishing the copy of the bail petition to the Additional Public Prosecutor and this bail petition pressed today.

The learned counsel for the petitioner pressing the bail application, reciting the contents of the F.I.R. has tried to show that the accused-petitioner is innocent and has committed no offence. No any bail application has earlier been filed on behalf of the petitioner either before this court or any other court of law. It is further submitted that petitioner has been arrested on the basis of suspicion. The informant's daughter got upset and went outside the house. There is no an specific allegation of lured or kidnapping the informant's daughter against the petitioner. The victim was not recovered from the possession of the petitioner. He further submitted that "if the girl went to her house on her own will then accused shall not be punished as per case law" Lata Singh VS. State of UP(2006)5 SCC 475. There is no any direct or indirect allegation against the petitioner and he has been arrested without any cogent evidence which is violation of Article 21 of the Constitution and in the memo of arrest also does not obey the Section 47 of BNS as per case laws-Arnesh Kumar Vs. State of Bihar(2014) SCC 273. It is further submitted that accused-petitioner is studying at B. Tech. The accused-petitioner has no criminal history. The petitioner has been languishing in judicial custody since 29.01.2026. The learned counsel for the accused-petitioner has submitted that he is ready to furnish bail bonds of reasonable

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amount to the satisfaction of this court. Hence, he prayed to enlarge the petitioner on bail.

Per-contra, Shri Ram Naresh Prasad, the learned Additional Public Prosecutor appeared on behalf of the State and submitted that the petitioner has committed serious offence of kidnapping of a minor girl with intention to marriage. Hence, prayed to reject the bail petition.

Perused the case record as well as case diary and perusal of case diary, it transpires that the FIR is registered against the unknown. The allegation against the petitioner is that he lured and kidnapped the informant's minor daughter. Perusal of the case diary para- 3,7, 8 and 20 goes to show that in the course of investigation, re-statement of informant and the statement of the witnesses have been recorded by the I.O. of this case under section-180 BNSS. In their respective statements, the witnesses have supported the allegations of kidnapping. Of course, the petitioner is not named in the FIR, but from perusal of para-34 of the CD, and on CDR of the Mobile no. 8210145878, it was found that the holder/user of the said mobile number is Harsh Kumar(petitioner). From his mobile the accused has talked with the victim Nishu Kumari 239 times and a day before the incident, on the night of 10/11.12.2025, there was continuous conversation between them and on the day of incident, i.e. 11.12.2025 at around 11.27 PM, the last call was made on mobile number 8092315328 and the conversation was made. From perusal of para-67 of the case diary, it appears that the victim girl has stated in her statement U/s-180 of the BNSS that while she studying in school, she used to talk to Harsh Kumar(accused-petitioner) @ Golu Kumar through her mother's phone number 8092315328. He is her good friend. She one day, being upset with her house, she went to Kolkatta to travel with her friend Harsh Kumar and they lived in girls PG and Harsh Kumar lived in boys PG. There was no physical relationship between them. It is apparent from the case diary that the prosecution story is an issue of love affair. But, the documents attached with the case diary shows that the date of birth of the victim girl is 01.01.2009 in her educational certificates, which is the age of a minor on the date of alleged occurrence. The victim Nishu Kumari was aged about 16 years 11 months and 11 days, on the date of occurrence, which shows that she is a minor and under the guardianship of her parents. The materials available on the judicial record reflects that this is the case of kidnapping and the facts also shows that the petitioner had abducted a minor girl and the investigation of this case is still pending.

So, Considering the facts and circumstances of this case and serious nature of

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allegations of kidnapping of a minor girl as made out against the accused-petitioner, I am not inclined to enlarge the accused-petitioner namely **Harsh Kumar** on bail. Therefore, this bail petition is hereby stand **rejected**.

Dictated and corrected by me.

(Vishwa Vibhuti Gupta)
District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad, Bihar
Dated: 12.03.2026

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