

**In The Exclusive Special Court of POCSO cum District & Addl. Sessions
Judge, VI, Bhagalpur
Present : Ms. Sugandha Prasad Excl. Spl. Judge (POCSO)**

B.P. No.- 366/2026

Arising out of Kajraili P.S. Case No. 27/2026
U/S- 96 of the B.N.S

**Rikesh Kumar @ Ritesh Kumar, aged- 27 years, S/o- Sudhir Das, R/o – Village-
Anandpur, P.S- Rajoun District- Banka**

.....Petitioner

Versus

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner : Shri Anand Srivastav

For the State : Mr. Shankar Jay Kishan Mandal

ORDER

11.05.2026

1. An application for grant of regular bail has been filed on behalf of the accused/petitioner namely **Rikesh Kumar @ Ritesh Kumar**, who is in judicial custody since 20.03.2026 in connection with Kajraili P.S. Case No. 27/2026 under Section- 96 of the B.N.S.

2. Heard Shri Anand Srivastav, learned counsel appearing on behalf of the accused/petitioner and the learned Special Public Prosecutor, appearing on behalf of the State.

3. The prosecution case in brief is that informant namely Suman Das alleged that on 10.03.2026 at about 07:00 A.M., his daughter/victim aged about 16 years, went to Kajraili market to buy some goods. Accused Ritesh Kumar used to visit the market frequently and kidnapped his daughter with the intent of marriage. While looking for victim, informant learned that two or three days prior accused had been seen around the village and it was he who kidnapped victim.

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4. The learned counsel for the petitioner has submitted that the petitioner has not filed any bail application before this Court or before the Hon'ble High Court Patna. Further, he submitted that the petitioner is innocent and has not committed any offence. Further, he submitted that the victim has already been recovered. Further, he submitted that the place of occurrence is situated at a distance of 1km from the police station but the informant did not approach the police immediately. No reason has been provided for the three day delay in lodging the Fir and petitioner is in judicial custody since 20.03.2026. Therefore the petitioner may be released on bail.

5. On the other hand, learned Special Public Prosecutor for State has vehemently opposed the prayer for grant of regular bail. He has further submitted that the victim is 16 years old and there is direct allegation of eloping the victim with the intention of marriage. Hence, the prayer for grant of regular bail must be rejected.

6. It is evident that from the case diary vide para 2, which is the re-statement of the informant, who has supported the allegations alleged in the F.I.R. Further, it transpires that the other witnesses have supported the allegations in their statement vide para 6 and 7 of the case diary. Victim has stated in her statement recorded under Section 180 and 183 of B.N.S.S. in para 25 and 49 of the case diary respectively that she eloped and got married with accused. Further during the course of investigation, the I.O. has collected the School Leaving Certificate from Aadrash Madhay Vidyalay, Kajraili in which the date of birth of victim is mentioned as 01.04.2010 of the case diary and the date of occurrence is 10.03.2026, so on the date of occurrence as mentioned in the F.I.R., the victim was 16 Years old. Hence, victim was a minor and consent of victim

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is immaterial. Petitioner is in judicial custody since 20.03.2026. Further, after investigation charge-sheet no. 39/2026 has been submitted against petitioner under Section 96 of the B.N.S., and under Sections 4/6 of the POCSO Act.

7. In view of the above facts and circumstances and also considering the nature of offence and severity of punishment, period of custody, I am not inclined to enlarge the petitioner on bail. The regular bail petition is accordingly **rejected**.

Sd/-

Excl.Spl. Judge (POCSO) cum-
Dist.& Addl. Sess. Judge VI,
Bhagalpur.

Date of Order	11.05.2026
Reserving Date of Order	-
Uploaded date	12.05.2026
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