

*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.- 479/2026

Arising out of Nathnagar P.S. Case No. 405/2025
U/S- 87 of the B.N.S.

**Md. Samir, aged- 20 years, S/o- Md. Rashid Sabin, R/o – Village- Madnipur Gali,
P.S- Nathnagar, District- Bhagalpur**

.....Petitioner

Versus

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner : Sri Abhay Kant Jha

For the State : Mr. Shankar Jay Kishan Mandal

ORDER

14.08.2026

1. An application for grant of regular bail has been filed on behalf of the accused/petitioner namely **Md. Samir**, who is in judicial custody since 12.04.2026 in connection with Nathnagar P.S. Case No. 405/2025 under Section- 87 of the Bhartiya Nayaya Sanhita.
2. Heard Sri Abhay Kant Jha, 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 Fazallur Rahman alleged that his daughter/victim aged about 16 years was made to disappear. The incident occurred on 22.02.2025 at about 06:30 o'clock in the morning when victim suddenly went missing. Informant's family members looked for victim and informant found out that the accused is presently working as a laborer in Nagpur. When accused lived at home a year ago, he used to entice his daughter and try to take her away by force. However, upon finding out, informant went to accused's house, scolded him and reprimanded him. Thereafter, accused fled to Nagpur. Informant has got information that with the help of a local boy, acting on behalf of

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the said boy from Nagpur, has enticed his daughter.

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 petitioner is innocent and has committed no offence and has been falsely implicated in this case. Further, he submitted that petitioner has no criminal antecedents in para 3 of the bail petition. Further, he submitted that after having knowledge of this case the petitioner came to home because his family members were tortured by the police. Further, he submitted that the statement of the victim has been recorded Section 183 of the B.N.S.S., the victim was with the parent and they have conspired to involved to the petitioner and as per the instruction of the informant she might have given pressure upon her. Further, he submitted that the petitioner has not committed any offence because on the date of occurrence he was in Nagpur so no case against accused is made out. Petitioner is in judicial custody since 12.04.2026. 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 was 15 years old on date of occurrence and there is direct allegation of accused he has kidnapped the victim and took her to Nagpur. 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. Learned Special Public Prosecutor has drawn attention to the statement of victim recorded under Section 180 and 183 of the B.N.S.S., vide para 38 and 71 of the case diary in which victim has stated that she left home with accused without informing anyone as accused asked her to come. Accused fed her a biscuit. Thereafter, she

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became unconsciousness. Later, she found herself in Nagpur. Victim has also stated that when accused was not in the room, she called her sister Rukiya, who lives in Bangalore. Rukiya's husband then tracked her location and came to Nagpur and saved victim. Further during the course of investigation, the I.O. has collected the School Certificate from Chandrawati Madhya Vidyalaya, Nathnagar in which date of birth of victim is mentioned as 20.02.2010 of the case diary and date of occurrence is 22.02.2025 so, on the date of occurrence as mentioned in the F.I.R., the victim was 15 years old. Hence, victim was a minor. Petitioner is in judicial custody since 14.03.2026. Further, after investigation charge-sheet no. 174/26 has been submitted against petitioner under Section 96 of the B.N.S.

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**.

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

Date of Bail Order	14.08.2026
Uploading Date	14.08.2026
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