

THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- II, JAMUI
SAFIQUE VS. THE STATE OF BIHAR
B.A. NO. - 308 Of 2026
Chandradeep P.S Case No.-42/2026

ORDER

Present: Sudhir Sinha

02.06.2026

This regular bail petition has been filed by petitioner **Safique** who is in custody since 08.04.2026 in connection with Chandradeep P.S. Case No. 42/2026 registered u/s- 137(2), 96 of BNS, the copy of which is served upon the ld. P.P.

The ld. Counsel for the custody accused has submitted that the accused is rotting in jail since 08.04.2026. The regular bail petition was rejected on 21.04.2026 by ld. A.C.J.M-Ist, Jamui and after that no any other bail petition has been filed on behalf of this petitioner in any other Court except the present one. The petitioner has got no criminal antecedent. He submitted that the daughter of informant voluntarily went out for roaming. The petitioner did not take her outside forcibly for walking nor did he kidnap her. The allegation of alleged offence is not made out against the petitioner. As per ld. Counsel the petitioner is quite innocent has committed no offence and has been falsely implicated in this case. The petitioner is a man of means and there is no chance of his absconding and he is ready to furnish bail bond to the satisfaction of ld. Court. In such view the ld. Counsel prayed to enlarge the petitioner on bail.

The ld. Addl.P.P opposed the prayer for bail.

On perusal of LCR and case diary it is clear that on the basis of written information of Rinku Devi, the Chandradeep P.S. Case No. 42/2026 was registered u/s- 137(2), 96 of BNS, wherein she has stated that on 01.03.2026, her daughter Savitri Kumari has been missing from 27.02.2026 at 3:00 in the evening. Her daughter used to call on mobile number 8208137193. After missing her daughter, she inquired with all her relatives but could not find her anywhere. She has firm belief that the owner of mobile number 8208137193 has kidnapped her daughter for the purpose of marriage. The informant in his re-statement in CD para-2 has stated the same facts. The witnesses in CD paras-6 and 7 have supported the case of prosecution. In CD para-15 the IO during verification of age of kidnapped girl Savitri Kumar, has found the date of

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birth of Krishama Kumari as 04.06.2009, the age of Karishama Kumari therefore is about 17 years as per the certificate of +2 Higher Secondary School, Chatiyani, Jamui and the certificate is attached in the case diary. As the per CD para-45 the victim Savitri Kumari in her statement u/s 180 of BNSS recorded on 08.04.2026 has stated that the accused took him by inducement and forcibly married at Pune. It is clear from victim's statement u/s-180 of BNSS that he kidnapped her. However in her statement u/s-164 Cr.P.C (183 BNSS) she has not stated anything against the accused. She rather has stated to go on her own, married Safique voluntarily and is living with him as husband and wife with her consent. But the Court finds that the Id. Magistrate assessed the age of victim to be around 17 years whereas as per CD para-15 the date of birth of victim Savitiri Kumari is 04.06.2009 which comes to around 16 years 8 months on the date of occurrence. She therefore is a minor. Her consent as such is no consent in the eyes of law. She is a student of class 11. As per CD para-36 the victim Savitri Kumari was recovered from the house of petitioner by the Police. There is sufficient material regarding involvement of the petitioner in commission of alleged offence, the Court is not inclined to enlarge the petitioner on bail. The matter is still under investigation.

Therefore considering the facts and circumstances of this case having regard to the submissions advanced by both the parties, the bail filed on behalf of custody accused **Safique is rejected.**

Dictated & Corrected

District & Addl. S.J -II, Jamui
02.06.2026