

**In the court of Pradeep Kumar Choudhary, District & Additional Sessions
Judge-VII-Cum-Spl. Judge POCSO, Katihar**

[BAIL PETITION NO. 347 of 2026]

(Arising out of Kadwa P.S. Case No. 40/2026)

U/s- 126(2), 115(2), 352, 351(2), 96, 3(5) of B.N.S.

1. Phool Kumar, aged about 18 years, S/o – Bhujangi Ram @ Bhuwaneshwar Ravidas
R/o- Vill- Chauni, P.S.- Kadwa, Dist- Katihar

..... Petitioner

v/s

The State of Bihar

..... Opposite Party

Appearance:

For the Petitioner : Navin Kumar Thakur & Ors., Ld. Advocate

For the Opposite Party : Smt. Meena Sharma, Ld. Spl. Public Prosecutor

Date	Order	Remarks
03-06-2026	A bail application dt. 02.04.2026 on behalf of accused Phool Kumar is pressed today. The accused is in judicial custody since 25.02.2026. Copy of the same has been supplied to the Ld. Spl. P.P. Heard both the sides and perused the record. Ld. Counsel appearing on behalf of the accused / petitioner has submitted that A.B.P. 247/2026 has been filed but the same has been withdrawn on 12.03.2026 and except this no other regular or anticipatory bail petition on behalf of the petitioner has been filed either before this court or before the Honb'le High Court, Patna. He has further submitted the petitioner has no criminal history and he is in judicial custody since 25.02.2026 and he is an innocent person and committed no offence at all and the allegation against the petitioner is false and concocted. The petitioner has been falsely implicated in this case due to enmity and village politics. The victim is already	

Continued
03-06-2026

married and after quarrel with her husband, she lives at her parents house and from there she fled away and the petitioner has no knowledge about the incident. The alleged sections against the petitioner are not made out. The petitioner is ready to furnish sound and solvent bailors to the satisfaction of the court. Therefore prays to grant bail to the petitioner.

Ld. Spl. Public Prosecutor has opposed the prayer of aforesid bail petition.

The prosecution case in brief as per written application of the informant for F.I.R. is that FIR registered on 04.02.2026 regarding the missing of the victim alleged to be taken place on 07.01.2026 at about 05:00 P.M; for the offence punishable U/ss- 126(2), 115(2), 352, 351(2), 96, 3(5) of BNS against the accused / petitioner Phool Kumar and six other F.I.R. named persons. Wherein it is alleged that during search of the victim, the villagers namely Md. Imran, Md. Kamrul and Md. Kalim told the informant that they have seen that the victim was going away with the accused / petitioner Phool Kumar Ram and Nitish Kumar on bike. Later on, the informant went to house of Phool Kumar Ram then his family members assured her to return the victim in two days and but they did not the victim. The family members of the accused threatened the informant to implicate in a case under SC/ST Act.

From perusal of record it transpires that witnesses in para-09, 22, 23 & 24 have supported the prosecution case. In C.D. Para-36, the police has recovered the victim with the petitioner. In C.D.

<u>Continued</u> 03-06-2026	Para-54 (birth certificate issued by prinicipal), date of birth of victim is 01.01.2011 and she was aged about 15 years old and she was minor at the time of alleged occurrence. The victim in her statement U/s-180 & U/s-183 BNSS (C.D. Para-41 & 66) has stated that she was in love affairs with the petitioner for last 08 years and she went with the petitioner at her own will and married him with her own sweet will. As per Para-60, the victim has refused from her medical examination. In C.D. Para-75, the petitioner has no criminal antecedent. The charge has been framed against the petitioner and he has been in judicial custody since 25.02.2026. There is inordinate delay of 28 days in FIR with no reasonable explanation. In the light of aforesaid facts and circumstances of the case, the court deems it fit to enlarge the petitioner on bail. Therefore, the petitioner Phool Kumar is directed to released on bail after furnishing a bail bond of 10000 X 2 of two suerities of like amount. One bailor shall be a family member of petitioner and the petitioner is directed appear physically on five regular dates and the petitioner will not threaten or influence the victim and the witness of the case in any way. Dictated & corrected by- Sd/- (P.K. Choudhary) D.A.S.J. VII-cum-spl. Judge POCSO, Katihar Let a copy of the order be sent to the concerned court. (P.K. Choudhary) D.A.S.J. VII-cum-spl. Judge POCSO, Katihar	
--	--	--