

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24407 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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NEYAJ KHAN @ NEYAJ ANSARI SON OF SABIR ANSARI R/O
VILLAGE- HAT SARAIYA, P.S.- BAIRIYA, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Bhanu Pratap Singh

Mr. Aditya Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner, learned counsel

for the informant as well as learned counsel for the State.

2. The petitioner apprehend his arrest in connection with
Bettiah (Town) P.S. Case No.114 of 2023, registered for the
offence punishable under Sections 366A of the Indian Penal
Code and Section 8 and 12 of POCSO Act.

3. The allegation against the petitioner is that he along with
other co-accused persons kidnapped the daughter of the
informant with an intention to marry her.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific allegation against the petitioner. He further submits that the statement of the victim has been recorded under Section 164 of the Cr.PC in which she has not supported the prosecution case. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the victim girl is a minor and on this ground, the learned Court below had rejected the bail application of the petitioner.

6. Having regard to the facts and circumstances of the case as the victim is a minor, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law, considering that there is



no specific overt act against the petitioner and also the victim
has not supported the prosecution case in her statement recorded
under Section 164 of Cr.PC.

(Anjani Kumar Sharan, J)

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