

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5233 of 2025

Arising Out of PS. Case No.-242 Year-2024 Thana- PIPRA District- East Champaran

Anil Kumar S/O Subh Narayan Sahani R/O Vill.- Ujhilpur, ward no. 1, P.S.-
Mehsi, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi W/O Binod Sahani R/O Vill.- Tajwa Korigaw, ward no. 6, P.S.-
Pipra, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 29-04-2025 Heard learned counsel for the petitioner and learned

APP for the State. No one appears on behalf of the O.P. No.2.

Perused the case diary.

2. Learned counsel for the petitioner has filed

affidavit of jointness stating therein that the O.P. No.2 and

the person who received the notice on behalf of the O.P. No.2

are living jointly in a common house. It has also been stated

that the charge has been framed by the leaned court below on

03.03.2025 for the offences under Sections 137(2), 87 of the

B.N.S. and Section 8 of the POCSO Act.

3. The petitioner seeks bail in connection with Pipra



P.S. Case No. 242 of 2024 instituted for the offences under Sections 137(2), 96 of the B.N.S. read with Section 8 of the POCSO Act.

4. As per prosecution case, the accusation against the accused persons including the petitioner is of kidnapping the Informant's minor daughter for the purpose of marriage.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to ulterior motive and highhandedness of the police. He further submits that there is delay of 12 days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. The victim girl in her statements recorded under Sections 180 and 183 of the B.N.S.S. has not made any specific allegation of any overt act against the petitioner rather she has stated that she on her own will had left the house and she wants to live with the petitioner. In her statement, she has also stated that she solemnized marriage with the petitioner in a temple and entered into a marital



relationship with the petitioner. The Medical Board has assessed the age of the victim girl in between 15-17 years. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.09.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. Learned counsel for the State submits that there is direct allegation of kidnapping the victim minor girl for the purpose of marriage.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also taking into account the statements of the victim girl recorded under Sections 180 & 183 of the B.N.S.S., let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection



with Pipra P.S. Case No. 242 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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