

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8801 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Manish Kumar @ Nitesh Kumar @ Nitish Kumar Son of Raj Kumar Paswan
Resident of Village - Singhiya Ghat, Tola - Loutolena, Ward No. 11, P.S. -
Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANISHA KUMARI Daughter of Nanhki Paswan Resident of Village -
Singhiya Ghat, Tola - Lavtoliya, P.S. - Bibhutipur, District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Kumar Singh Mr. Gaurav Singh
For the Opposite Party/s	:	Mr. Ajay Kumar Jha
For the O.P. No. 2	:	Mr. Shishir Kumar Shishir Mr. Binod Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 02-07-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 366(A)
and 376 of the Indian Penal Code read with Section 4 of the
POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant with an
allegation that informant and the petitioner were known to each



other from before and were in love, but then the marriage of the informant was fixed for 21.06.2024 and on the day of marriage, the petitioner called her and asked her to come near Rosera road from where the petitioner along with his three friends took her to Rosera where petitioner established physical relation and then dumped her.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that though in the FIR it is alleged that informant is a minor aged about 17 years, but then no documentary evidence in support of the same has been produced before the police. It is next submitted that doctors have assessed the informant in between 17-18 years. It is also submitted that informant is a major and the relationship was consensual, but when the relationship soured, the present false case came to be instituted.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No. 2 oppose the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that her marriage was fixed for 21.06.2024 and on the said date, the petitioner called her and asked her to



come to a designated place and the informant believing the petitioner left her parental home and went with the petitioner and thereafter petitioner also established physical relation, but later refused to marry her. It is next submitted that informant on assurance of the petitioner even refused to marry the boy whom her family had approached.

6. The learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned counsel appearing on behalf of the informant and submits that though in the FIR, it is alleged that on 21.06.2024 the informant was to get married, but then neither in the FIR nor during the course of investigation, the name of the boy with whom the informant was to get married, has been disclosed which casts an aspersion on the case of the prosecution, it is submitted that the said allegation has been alleged only to give seriousness to the case. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 190 of 2024 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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