

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7976 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- DHAKA District- East Champaran

Kamlesh Pandit @ Kamlesh Kumar @ Kamlesh Parit S/O Khesari Lal Pandit
Resident of ward no - 15, Basopatti, P.S - Nanpur, Dist- Sitamadhi
... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyanarayan Mahto S/O Late Dular Chand Mahto R/O Vill.- Phulwariya,
P.S- Dhaka, Dist- East Champaran.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore
For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2025 1. Heard learned counsel for the petitioner and learned
Spl.P.P. for the State, Shri. Sadanand Paswan.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 87, 64 and
103 of the BNS, Sections 3(i)(r), 3(i),(s) of SC/ST (POA) Act and
Section 4 of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that he had gone to Lilawati hospital at Muzaffarpur, for
getting his wife treated, when the accused persons including the
petitioner came on a Bolero vehicle in the night on 4-5-2024 in
absence of him and threatened his elder daughter and kidnapped
his younger daughter, accordingly his elder daughter informed him
about the occurrence, hence the informant on 23-5-2024 went to
institute an FIR at Dhaka Police Station, but the same was not



registered, hence filed an complaint case on 5-8-2024, based on which the instant FIR was instituted.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that date of occurrence is 4-5-2024; and the informant, despite having information of the occurrence, himself states in the FIR that he went to the police station on 23-5-2024 for getting the FIR instituted. It is next submitted that the informant further alleges that when the FIR was not instituted, he filed a complaint case, but then the said complaint case was also filed on 5-8-2024, i.e., more than three months after the occurrence, which casts an aspersion on the case of the prosecution. It is next submitted that the statement of the victim has been been recorded under Section 183 BNSS, wherein she has not stated anything against the petitioner. It is also submitted that age of the victim has not been disclosed in the FIR. It is next submitted that a specific pleading has been made at Para-11 of the anticipatory bail application that the victim and the petitioner are staying together after performing their marriage, with their family.

5. The learned Spl. PP opposes the anticipatory bail application and submits that though it has been pleaded that the



victim did not name the petitioner in her statement recorded under Section 183 of the BNSS, but then the statement of the victim recorded under Section 183 of the BNSS is not on record.

6. 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 Dhaka P.S. Case No. 393 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, the informant would be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner, in the event if the victim has supported the case of prosecution in her statement recorded under Section 183 of the BNSS or if the marriage has not been performed and the victim is not staying with the petitioner.

(Satyavrat Verma, J)

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