

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17866 of 2025

Arising Out of PS. Case No.-442 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Dilnawaj Ali S/o Late Yaseen Ali R/o Village- Ujjain Tola Ward No 24, PS -
Bettiah Town, Distt- West Champaran, Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Wahiuddin Haidar Ali @ Bhutto S/o Late Moiuddin R/o vill - Ujjain Tola,
P.S.- Bettiah Town, Distt.- West Champaran, Bettiah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Sinha, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-07-2025 Heard Mr. Jitendra Sinha, learned counsel for the
petitioner and Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Bettiah Town P.S. Case No. 442 of 2024, F.I.R.
dated 03.10.2024 for the offences punishable under Sections
137(2), 140(3), 3(5) of the Bharatiya Nyay Sanhita, 2023 and 8, 12
of the POCSO At.

3. According to prosecution case, the informant alleged
that the petitioner along with other co-accused persons kidnapped
his daughter.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The victim has been recovered and her statement has been recorded under Section 164 Cr.P.C/183 of BNSS in which she did not support the case of the prosecution and she stated that she had gone with the petitioner on her own will.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the victim was minor on the date of occurrence and consent of the minor has no concern in the eyes of law and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Bettiah Town P.S. Case No. 442 of 2024 pending in the court of Special Judge POCSO-cum-Additional Sessions Judge-VI, West Champaran, Bettiah.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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