

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16148 of 2025

Arising Out of PS. Case No.-143 Year-2023 Thana- DHANAHA District- West Champaran

Billu Yadav @ Dhiraj Yadav Son of Sitaram Yadav Resident of Village
-Ghusari Barwa Police station -Dhanaha District -west Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Keshwar Bin son of Radha Bin resident of village- Baira Bin Toli, PS-
Dhanaha, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 16-04-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363 and
366(A)/34 of the Indian Penal Code as well as Section 8 of the
Protection of Children From Sexual Offences Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his minor daughters aged about 16 years and 14
years on pretext of attending call of nature at 10:00 p.m. on
23.06.2023 left the house but did not return. Further, on
29.06.2023, the informant at 08:00 p.m. received a call from
mobile no. 8092878361 and the caller said that his daughters are



safe and they will be brought home. Further, on 19.07.2023, again a call came on the mobile of the informant from mobile no. 7992443859 and the caller said that his daughters are safe but they will now not be brought back home.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence is 23.06.2023 and the FIR came to be instituted on 20.07.2023 i.e. after a delay of more than 27 days of the occurrence which casts an aspersion on the case of the prosecution. It is next submitted that it absolutely does not stand to reason that as to why the informant instituted the instant FIR after such a great delay when he was aware that both his minor daughters were missing from the house and he also received a call on 29.06.2023 whereby the caller informed that his daughters are safe. It is also submitted that no doubt, in the FIR, it is alleged that the victims were minor but then the elder daughter of the informant is a major and the younger daughter is a minor. It is submitted that victim came back home and their statement was recorded under Section 164 Cr.P.C. wherein they disclosed that they had accompanied the accused persons



including the petitioner but then they left them mid way.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that even presuming what has been submitted by the learned counsel appearing on behalf of the petitioner to be true then the elder daughter of the informant was a major but then the younger daughter was a minor aged about 14 years and even if the victim accompanied the accused persons on their own volition then also an offence has been committed as consent of minor does not have any relevance. It is further submitted that investigation in the case is still continuing and it has not been pleaded in the anticipatory bail application that the mobile from which the informant received calls belonged to the petitioner or not and if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to establish his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Dhanaha P.S. Case No. 143 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father, namely, Sitaram Yadav.

8. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is made clear that if the charge-sheet is submitted against the petitioner connecting him with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

