

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16657 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- KHAJAULI District- Madhubani

Ritik Raushan Son of Kameshwar Yadav R/O Village- Dalokhar, P.O.-
Mirjapur, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mrs. Namrata Mishra, Senior Advocate Mr. Ratnakar Jha, Advocate
For the State	:	Mrs. Pushpa Sinha, APP
For the Informant	:	Mr. Gagandeo Yadav, Advocate Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 01-07-2025 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 96, 352, 351 (2)
and 3 (5) of the Bhartiya Nyay Sanhita.

3. The allegation in the first information report is that one
month ago, the petitioner had taken away the daughter of the
informant to his house for the purpose of marriage, however,
the informant brought her back and sent her to maternal
grandfather's house. On 20.08.2024, the petitioner in
association of his friend, had kidnapped the daughter of the
informant for the purposes of marriage.



4. It is submitted by learned senior counsel for the petitioner that, as a matter of fact, the petitioner and the daughter of the informant were in love relationship and it is owing to the same that the victim had voluntarily gone along with the petitioner. Further, it would be apparent from the first information report itself that earlier also the petitioner had taken the victim to his house which is in the neighbourhood. After recovery of the victim, her statement was recorded under Section 180 and 183 of the B.N.S.S., which are annexed as Annexure-P/2 and P/3 to this application and also available in the case diary, would show that in the entire statements the name of the petitioner has not been taken at all rather she has made allegations against her parents that they had forcefully kept her at her maternal grandfather's house from where she left for Kolkata. Further, the victim girl was also medically examined and her medical examination report also shows that no spermatozoa was found in vaginal smear and her age was assessed between 19 to 20 years by the Medical Board. Learned senior counsel for the petitioner has also drawn attention of this Court to the fact that the petitioner is also a young boy of 23 years and it seems to be case of love affair between the parties.



5. Learned counsel for the informant vehemently opposed the prayer for anticipatory bail on the ground that the victim is a minor aged about 16 years as per her own statement and also as per her admit card. However, the admit card does not form part of the materials collected during investigation. A counter affidavit has also been filed on behalf of the informant bringing on record a notary affidavit dated 01.10.2024 filed on behalf of the victim girl, wherein she has given a statement that due to fear of the petitioner and his friends, she had given the statement under Section 180 and 183 of the B.N.S.S. not naming the petitioner as an accused. However, it is submitted that the petitioner had posted some photographs on the social media site along with the pistol for which another case had been filed by the police on 01.04.2025.

6. Learned senior counsel for the petitioner has responded to the submissions made by learned counsel for the informant that it is at the pressure of the informant that the girl has been made to give different statements which is only in the form of notary affidavit, whereas in her statement under Section 183 B.N.S.S., she has stated nothing about the petitioner.



7. Be that as it may, it remains a fact that the victim is almost reaching the age of majority as in the medical examination report her age has been assessed to be 19 to 20 years and taking into the account the the statements of the victim recorded under Section 180 and 183 of the B.N.S.S., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Khajauli P.S. Case No. 179 of 2024, subject to the condition as laid down under Section 482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, further subject to the condition that:

(i) One of the bailors would be his family members/close relative.

(ii) The petitioner would cooperate in the investigation and/or trial of the case.

(Soni Shrivastava, J)

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