

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19295 of 2025

Arising Out of PS. Case No.-378 Year-2024 Thana- DESARI District- Vaishali

Md. Aftab Alam @ Raja Kumar @ Aftab Alam Son of Md. Taslim Alam
Resident of Village - Desari, P.S. -Desari, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-04-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Desari P.S. Case No. 378 of 2024 registered on 24.10.2024 for the offenses punishable under Sections 139, 87, 3(5) of the B.N.S., 2023.

3. As per the prosecution, the F.I.R. has been lodged by the father of the victim against four named accused persons with specific allegation against the petitioner that he used to give threat the informant's daughter for marriage after her elopement.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the victim has been recovered, and from the order passed by the learned Sessions Judge, it appears that upon recovery, the victim's statement was recorded under Section 183



of the BNSS, 2023, wherein she deposed that she had a physical relationship with the petitioner prior to the lodging of the F.I.R. Learned counsel further submits that any such relationship was consensual between the petitioner and the victim. Therefore, it is urged that a lenient view may be taken while considering the prayer for bail and the antecedents of the petitioner are clean.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail and submits that Section 87 of the BNS, 2023 is clear, and according to its provisions, the development of a relationship based on the assurance of marriage constitutes an offence. He further submits that, although the petitioner's antecedents may be clean, the essential elements of the offence are still present.

6. After hearing the arguments advanced by the parties, this Court finds it necessary to quote the provisions of Section 87 of the B.N.S., 2023, which states as follows:-

“87. Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which



may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Sanhita or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.”

7. Upon a conjoint reading of the allegations made in the F.I.R. and the essence of the statement recorded under Section 183 of the BNSS, 2023, as acknowledged by the learned Sessions Court, this Court finds that the ingredients of the offence under Section 87 of the BNS, 2023 are prima facie made out.

8. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Desari P.S. Case No. 378 of 2024, pending before the learned District and Additional Sessions Judge-VI-cum- Special Judge, POCSO, Vaishali at Hajipur is hereby rejected.

(Dr. Anshuman, J)

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