

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16428 of 2025

Arising Out of PS. Case No.-206 Year-2024 Thana- Kalibagh District- West Champaran

Gaurav Koli @ Gaurav Son of Pappu Koli @ Pappu R/o- House No.- 515,
Hapur Chamri, Chamri Fatak, Mandir Lane, Ward No.- 02, P.S.- Kotwali,
District - Hapur (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari Daughter of Suresh Chaudhary R/o Village - Chawani Chowk, Bettiah, Ward No.- 5, P.O.- Bettiah, P.S.- Kalibagh, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manaur Alam, Advocate
For the State	:	Mr. Ram Naresh Ray, APP
For the Informant	:	NONE

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 07-07-2025 Heard learned counsel for the petitioner and learned APP for the State. None appears for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Kalibagh P.S. Case No. 206 of 2024 instituted for the offence under Sections 137(2) & 96 of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the POCSO Act.

3. Prosecution case, in short, is that on 16-12-2024 at around 6:00 PM, the informant's 16-years-old sister left home without notifying anyone and did not return. Despite inquiries with neighbours, her whereabouts could not be ascertained.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17-01-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced during course of investigation. Informant is not the eye witness to the occurrence. Referring to the statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim herself gone with the petitioner and she has performed marriage with petitioner at her own will. As per medical report, there is no recent evidence of sexual intercourse. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no overt act alleged against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalibagh P.S. Case No. 206 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

