

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26866 of 2025

Arising Out of PS. Case No.-261 Year-2024 Thana- GAMAHARIYA District- Madhepura

Santosh Kumar S/o- Shyam Sundar Yadav Village- Maruwaha Ward No 06
PS- District-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Yadav S/o- Late Pulkit Yadav Village- Tehari Tola W.NO-9, Ps-
Gamhariya Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Surya Narayan Yadav
For the Opposite Party/s :	Mr.Amitesh Kumar, APP
	Mr. Rajendra Prasad Yadav, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-08-2025
1.

Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant, Shri Rajendra Prasad Yadav, who files a *vakalatnama* in the Court, which is taken on record.
2.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 69, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 4 and 12 of the POCSO Act.
3.

The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his minor daughter, aged about 16 years, was kidnapped by Bittu along with petitioner and Raj Kumar on 15-



12-2024, further Bittu established physical relation and the next morning, made her sit on an *Auto* and victim came back.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that informant is not an eyewitness to the occurrence. It is next submitted that even presuming what has been alleged is true without admitting then the thrust of the allegation is against Bittu. It is also submitted that Bittu has been granted bail by the learned Juvenile Justice Board (JJB). It is next submitted that father of the informant before the learned JJB had taken a stand that based on suspicion he had named Bittu.

5. At this stage, the learned counsel appearing on behalf of the informant submits that he has instructions not to oppose the anticipatory bail application of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where



the case is pending/successor court in connection with
Gamhariya P.S. Case No. 261 of 2024, subject to the conditions
as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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