

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32826 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- RIGA District- Sitamarhi

Sanjeev Kumar S/o Gopal Ram R/o village - Sangram Fandah, P.S. - Riga,
Dist. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambha Devi W/o Upendra Raut R/o vill - Sangram Fandah, P.S.- Riga,
Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 11-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Riga P.S. Case No. 231 of 2024 instituted for the offence under Sections 137, 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. Prosecution case in short is that informant's daughter aged about 14 years had gone to purchase medicine but she did not come back; she was searched and informant came to know that Sanjeev Kumar (petitioner), Shivam Kumar, Ripu Kumar, Fekani Devi and Gopal Ram had kidnapped her and when the informant went to the house of these persons, they were absconding from their house. It is further alleged that



quarrel had taken place with Fekani Devi four days earlier from the occurrence and she had threatened to kidnap the informant's daughter.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to dirty village politics. Both the parties are resident of same village and there is dispute between them from before. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that nothing incriminating has been recovered from the possession of the petitioner. He further submits that there is delay of three days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. There is contradiction in the statements of the victim recorded under Sections 180 and 183 of the B.N.S.S., 2023. Victim has refused for her medical examination. It is mainly submitted that there is no allegation of sexual exploitation against the petitioner even in the statement of the victim recorded under Section 183 of the BNSS, 2023.

5. Learned counsel for the petitioner further submits that the co-accused Vikash Kumar has been granted regular bail



by this Court vide order dated 02.07.2025 passed in Cr. Misc. No. 18875 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the offence alleged is serious in nature. Charge-sheet has been submitted in this case.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, the gravity and nature of offence as also taking into account the statement of the victim girl recorded under Section 183 of the B.N.S.S., this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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