

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34927 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- ANGARH District- Purnia

Sajid S/O Safeed R/O Village- Halalpur Chok, P.S- Amour, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mojibur Rahman S/O Fakir Mohammad R/O Khata Toli Mahnaro, P.S- Anugarh, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad, Advocate
For the Opposite Party/s	:	Mr.Umanath Mishra, APP
For the Informant	:	Mr. Raj Kumar, Advocate
		Ms. Chitra Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned Counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

2. The petitioner apprehends arrest in connection with Angarh P.S. Case No. 48 of 2024, registered on 28.12.2024 for the offences punishable under Sections 137(2), 87, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children From Sexual Offences Act, 2012.

3. As per the prosecution, the F.I.R. has been lodged against two named accused persons, including the petitioner, alleging kidnapping of the informant's daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The



petitioner has clean antecedents. It is further submitted that the alleged victim girl has been recovered and, after recovery, she has deposed her evidence. The medical report also suggests that she was found to be more than 18 years of age. In her statement under Section 183 of the BNSS, the girl stated that she was in love with the petitioner, but her family members wanted to marry her elsewhere, and due to this reason she went with the petitioner of her own free will and solemnized marriage with him.

5. Learned APP for the State vehemently opposes the prayer for bail.

6. Learned counsel for the informant also vehemently opposes the prayer for bail and submits that the Sessions Court has categorically observed that on the basis of the school certificate and Aadhaar Card, the girl was found to be a minor, and the consent of a minor is of no legal value.

7. In the aforesaid background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Angarh P.S. Case No. 48 of 2024, pending before the learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), Purnea, is hereby rejected.



8. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

9. Accordingly, the provisional bail granted to the petitioner vide order dated 03.06.2025 by a Co-ordinate Bench of this Court stands cancelled.

(Dr. Anshuman, J)

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