

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40037 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- MATIYARIA District- West Champaran

Chhotan Aalam @ Chhotan Miyan Son of Danka Alam @ Dhanka Mian
village- Mahuawa PS -Matiyariya District -West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Prem Thakur village- Mahuawa PS -Matiyariya District
-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Gupta, Adv.
For the Opposite Party/s	:	Ms.Dr. Indivar Kumari, APP
For the Informant	:	Ms. Deep Shikha, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with
Matiyariya P.S. Case No. 36 of 2025 instituted for the offences
under Sections 137(2), 96, 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Sections 8/12 of the POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of luring and forcibly
abducting the informant's minor daughter.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case only on



the basis of suspicion and village level party politics. The victim girl and the petitioner belong to the same village and there is inimical term between their families. It is further submitted that as a matter of fact, the victim girl and the co-accused Asphak Alam were in love and they wanted to marry with each other. The petitioner is the common friend of the co-accused Asphak Alam and victim girl and the only allegation against the petitioner is of dropping both the co-accused and Asphak Alam on bike to Ramnagar market and, except this, there is nothing adverse against the petitioner. The victim girl, in her Statement recorded under Section 183 of the BNSS, has specifically stated that she left her house on her own sweet will with the co-accused Asphak Alam and has not made any allegation of any overt act against the present petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.03.2025 and has no criminal antecedent. Learned counsel for the petitioner again submits that the co-accused namely Aspak Alam @ Ashfak Alam has been granted bail by this Court vide order dated 20.08.2025 passed in Cr. Misc. No. 37983 of 2025.

5. Learned A.P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, there being no material against the petitioner in Section 183 BNSS statement of the victim, the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Matiyariya P.S. Case No. 36 of 2025.

(Rudra Prakash Mishra, J)

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