

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38603 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- KAUWAKOL District- Nawada

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Pankaj Chaudhari S/o- Naurangi Chaudhari Vill - Nababganj, P.S - Lachhuar,
Dist - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anisha Khatoon W/o Md. Azad R/o village-Nababganj, P.S- Lachhuar,
District-jamui

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-11-2025 Heard the parties.

2. Out of perusal of record and considering submissions it transpires that the notice issued to opposite party no. 2 was received by her husband who is none but the father of the victim.

3. Considering the aforesaid, the notice as issued aforesaid by this Court deemed validly served upon O.P. No. 2/ informant of this case.

4. The petitioner seeks bail in connection with Kawakole P.S. Case No. 29 of 2025 registered for the offence under Sections 87/137(2)/3(5) of the B.N.S.



5. The petitioner is named in the F.I.R. and is in custody since 15.02.2025.

6. The allegation against the petitioner is TO kidnap minor daughter aged about 14 years of THE informant along with other co-accused persons for purpose of illicit intercourse/ marriage.

7. Learned counsel appearing on behalf of the petitioner submitted that the victim of this case was in love affair with this petitioner and as they belongs from different religious community, therefore their love affair was not approved by the father of the victim and consequent upon, the present false case was lodged against the petitioner. It is pointed out that after recovery the victim refused to join medical examination and stated through her statement recorded under Section 164 Cr.P.C./ 183 B.N.S. that she left her home on her own and went to Delhi. She denied completely that any person was involved in her kidnapping. It is submitted by learned counsel that the victim recorded her statement under Section 164 Cr.P.C./ 183 B.N.S. that she was called by the petitioner near *pulia* (bridge) from where



she was taken to Delhi where they established physical relationship against her will and also solemnized marriage with her despite her objections.

8. Arguing further it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is submitted that despite of remaining in custody for almost 8 months not even victim could be examined in this case which is in complete defiance of legal provisions as available under Section 35(1) of the P.O.C.S.O. Act and therefore, on this ground alone the petitioner deserves bail.

9. Learned APP, while opposing the prayer of bail submitted that the allegations of sexual assault and of forceful marriage are specifically available against this petitioner.

10. Despite service of notice, none appeared on behalf of the informant.

11. In view of aforesaid facts and circumstances as well as taking note of the fact that the improved version of victim *qua* occurrence makes the occurrence *prima facie*



doubtful on its face in the background of love affairs where even the victim could not examined within time line as prescribed under Section 35(1) of the P.O.C.S.O. Act suggesting that trial is not likely to conclude within preferred time line prescribed under Section 35(2) of the P.O.C.S.O. Act, accordingly petitioner above named, is directed to be released on bail in connection with Kawakole P.S. Case No. 29/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Nawada /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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