

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41277 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- SANGRAMPUR District- East
Champaran

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Niranjan Kumar Son of Ram Pravesh Sah Resident of Village - Nandpur, P.S.-
Sangrampur, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

2. Kavita Devi, wife of Binod Sah, resident of village Nandpur, P.S.
Sangrampur, District-East Champaran, Motihari.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-10-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant
of anticipatory bail apprehending his arrest in connection with
Sangrampur P.S. Case no. 85 of 2025 registered for the offence
punishable under sections 96 and 3(5) of the Bharatiya Nyaya
Sanhita and section 8 of the POCSO Act.

3. As per the prosecution case, the minor daughter of
the informant was kidnapped by the petitioner. In spite of the
assurance given by the family members of the petitioner, it is
stated by the informant that her daughter did not return and as
such the case.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. It is a case of



love affair between the parties. It is further submitted that the daughter of the informant returned and she was examined by the doctor. In the medical report her age was estimated to be between 18-20 years. Thus she is a major. It is further submitted that her statement was recorded under section 183 of the Bharatiya Nagarik Suraksha Sanhita wherein also she has stated her age to be 18 years. Referring to the contents of her statement recorded under section 183 of the Bharatiya Nagarik Suraksha Sanhita, it is submitted that the alleged victim has clearly stated therein that as a result of her wanting to marry the petitioner herein, she was beaten by her family which led her to going away with the petitioner, marrying him in a temple out of her own free will and on hearing about registration of the case they returned back home. She further states that she wants to live with the petitioner. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR, but he is the main accused in the case having kidnapped the minor daughter of the informant. The date of birth of the victim being 5.3.2009, she was a minor on the date of occurrence. So far as the age of the victim in the medical report is concerned, the same is an approximate



estimation and cannot be relied upon in view of the age of the victim mentioned in the school certificate.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material transpired in course of investigation specially the statement of the victim recorded under section 183 of the Bharatiya Nagarik Suraksha Sanhita before the Magistrate together with the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sangrampur P.S. Case no. 85 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th District and Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Chmaparan, Motihari.

(Partha Sarthy, J)

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