

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46166 of 2025

Arising Out of PS. Case No.-1916 Year-2024 Thana- PHULWARISHARIF District- Patna

Manu Choubey @ Monu Kumar son of Shankar Dayal Choubey Resident of
Village -Choubeypur PS- Piro District Bhojpur

... .. Petitioner

Versus

1. The State of Bihar
2. Mrs. Priya Bharti Daughter of Sri Rajeev Kumar village- Koriyawan, Po and
Ps- sorampur Phulwarisharif (Janipur), Dist- patna

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Tiwary, Advocate
For the State	:	Mr.Anand Kishore Choudhary, APP
For the Informant	:	Mr.Rajnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-11-2025 Heard learned counsel appearing on behalf of the

petitioner, learned A.P.P. for the State and learned counsel

for the informant.

2. The accused/petitioner seeks bail in connection

with Special Case No. 87 of 2025 arising out of Phulwarisharif

(Janipur) P.S. Case No. 1916 of 2024 registered for the

offences under Sections 137(2), 96, 64, 351(2) & (3) of the

Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.'), section

66(E), 66(B) of the I.T. Act and section 4 & 6 of the POCSO

Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 09.01.2025.



4. Allegation against the petitioner is to kidnap the minor daughter of the informant aged about 16 years for the purpose of illicit intercourse/rape.

5. It is submitted by learned counsel appearing on behalf of the petitioner that entire allegation raised by the informant for the reason that love affairs of victim with the petitioner was not approved by her parents including the informant. It is submitted that this fact can be gathered from the statement of victim itself as she categorically stated that she was in love with this petitioner and out of said affairs she visited up-to Chandigarh where both of them remains together for couple of days and solemnized their marriage. It is submitted that this factual aspect denied the allegation of kidnapping and sexual assault.

6. While concluding argument, it is submitted that despite custody of petitioner for about ten months, only single prosecution witness was examined which is sufficient to suggest that trial of this case is not likely to conclude within provisioned timeline as available through section 35(2) of the POCSO Act. Petitioner claimed to be a man of clean



antecedent.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. Mr. Rajnish Kumar, learned counsel appearing on behalf of the informant, while opposing the prayer of bail of the petitioner, submitted that allegation is specifically available against this petitioner, however he could not denied the submission that victim was in love with the petitioner.

9. It is further submitted that still the petitioner and his family advancing threat to the family of the informant and victim of this case.

10. In view of aforesaid factual submission and by taking note of the fact as the entire allegation *prima facie* appears doubtful in view of statement as appears out of statement of victim recorded under section 183 of the B.N.S.S. coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 09.01.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of



the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIth-cum-Exclusive Special Judge, POCSO, Patna/concerned court, in connection with Special Case No. 87 of 2025 arising out of Phulwarisharif (Janipur) P.S. Case No. 1916 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition:

(1) That petitioner shall not advance any threat to the victim and also the informant’s family till conclusion of trial and in case any such advancement of threat on the part of petitioner made, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after giving him proper opportunity to the petitioner, if any such petition pressed by State/informant.

(Chandra Shekhar Jha, J)

Rajeev/-

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