

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47640 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- BARDAHA District- Araria

Mangal Sharma @ Mangal Kumar Sharma S/o Late Chandeshwari Sharma
R/o village- Dengari, Ward No. 05, P.S.- Bardaha, District- Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nishant Choudhary Mr.Madhav Jha
For the Opposite Party/s	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Section 137(2)/96/3(5) of BNS.

3. As per F.I.R., the informant namely, Suresh Prasad Mandal alleged that on 31.12.2024, his niece went to purchase vegetable from nearby College Chowk and did not return till evening. On query, he came to know that this petitioner has kidnapped his niece.

4. Learned counsel for the petitioner submits that there was love affairs between the petitioner and girl. Learned counsel for the petitioner submits that the victim, in her statement recorded under Section 164



Cr.P.C., has denied the factum of kidnapping and has specifically stated that she left her house, as her mother scolded her for studies. The age of the victim is 17 years. Learned counsel for the petitioner, relying on an order of the Division Bench of this Court dated 23.09.2010 in *Cr.W.J.C. No. 991 of 2010 (Sahebi Kha-toon @ Sahebi Versus State of Bihar and other)*, submits that this Court has directed *to treat a girl as major in case her age assessed to be between 16 to 17 years.*

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the statement of the victim recorded under Section 164 Cr.P.C. and the law laid down by this Court, the prayer for anticipatory bail of petitioner is allowed.

7. Considering the aforesaid facts & circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria, in connection with Bardaha P.S. Case No. 02/2025, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023.

(Prabhat Kumar Singh, J)

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