

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47672 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- KOTWA District- East Champaran

Sandeep Kumar S/o Ramchandra Patel @ Ramchandra Raut R/o Village- Hemanchhapra, Baraharwaa Kala, P.S.- Kotwa, District- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Devi Wife of Late Pankaj Shukla R/o Village- Hemanchhapra, P.S.- Kotwa, District- East Champaran at Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-09-2025 1. 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 punishable under Section 87 of the BNS.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that her daughter had gone to the school for appearing in an exam from where she was kidnapped by the accused persons including the petitioner.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the victim has come back



and her statement was recorded under Section 183 of the BNSS wherein she has not supported the case of the prosecution, rather has stated that she was known to the petitioner and had gone with the petitioner to Delhi on a trip when the instant FIR came to be instituted alleging kidnapping.

5. Learned A.P.P. for the State does not oppose the said submission of the learned counsel appearing on behalf of the petitioner but then submits that from perusal of the statement recorded under Section 183 of the BNSS of the victim, it would manifest that the victim has disclosed her aged as 16 years and six months, as such, the victim on the date of occurrence was a minor and consent of a minor does not have any evidentiary value in the eye of law. Learned A.P.P. fairly submits that no doubt, the victim has not alleged that petitioner in any manner exploited her but then issue of minority cannot be ignored.

6. At this stage, learned counsel appearing on behalf of the petitioner submits that the informant and his family members realizing the mistake have even compromised the case on which learned A.P.P. submits that it is a good case for regular bail.

7. Considering the submission made by the learned A.P.P., the Court is not inclined to extend the privilege of



anticipatory bail to the petitioner.

8. Hence, the prayer for anticipatory bail is rejected in connection with Kotwa P.S. Case No. 113 of 2025 pending in the Court of learned District & Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, East Champaran at Motihari/Successor Court.

9. However, if the petitioner surrenders before the learned trial court on or before 09.10.2025 in that event the learned trial court on the same day shall dispose of the bail application of the petitioner keeping in mind the fact that victim has not supported the case of the prosecution and the parties have compromised the case.

(Satyavrat Verma, J)

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