

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53633 of 2025

Arising Out of PS. Case No.-156 Year-2025 Thana- GOPALGANJ TOWN District-
Gopalganj

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Ganesh Kumar S/o Vinod Mahto @ Binod Kumar Resident of village-
Harpur, P.S.- Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shubhangi Pandey, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 11-11-2025 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 96 of the
BNS, 2023.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that the petitioner entered his house and attempted to
rape his minor daughter, when she screamed, the petitioner was
caught and was assaulted, it is next alleged that thereafter
villagers gathered and chased the petitioner away, further on
account of shame, no case was instituted, it is next alleged that
on 26.02.2025, a fair was held at Shiva temple in their village



and the victim went to the fair with mother and sister of the petitioner, however when she did not return, informant along with his younger daughter went to the petitioner's house to enquire about the whereabouts of the victim, when they were abused and ousted from the house, thus, alleges that the accused persons kidnapped her minor daughter with an intention to marry her to Ganesh.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that petitioner attempted to commit rape of the victim, but then a case was not instituted fearing shame, but then it is also alleged that victim accompanied the mother and sister of the petitioner to a fair which amply demonstrates that that the relation of the victim with the petitioner and his family was cordial. It is also submitted that victim was in love with the petitioner and they eloped and a false case of kidnapping came to be instituted. It is further submitted that victim came back and her statement was recorded under Section 183 BNSS wherein she has not supported the case of the prosecution nor has shown her willingness to go to her parental house, as such, victim till



date is in a Remand Home, as has been recorded at Para-22 of the case diary. It is further submitted that the victim in her statement recorded under Section 183 BNSS has stated that her family had arranged her marriage which was fixed for 27.02.2025 and petitioner, on coming to know about the same, came to her house and forcefully took her away, but then it is also stated that she intends to marry the petitioner. It is next submitted that petitioner is not a criminal and since marriage of the victim was fixed, as she has disclosed in her statement recorded under Section 183 BNSS, as such, she was not a minor.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalganj Town P.S. Case No. 156 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.



7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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