

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57673 of 2025

Arising Out of PS. Case No.-215 Year-2025 Thana- BIHARIGANJ District- Madhepura

Shivnandan Kumar S/O Dhodhay Das @ Dudhay Das R/O Village-
Hathionadha, Ward no. 4, P.S.- Bihariganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jawahar sah, s/o upendra sah vill-hathioundha, ward no 3, p.s- bihariganj,
distr- madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-12-2025 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 offences punishable under Sections 126(2),
115(2), 75(2), 87, 137(2) and 3(5) of the Bharatiya Nyaya
Sanhita.

3. Learned counsel for the petitioner submits that the
case was taken up on 27-8-2025, when a learned co-ordinate
bench had issued notice on OP No. 2 and at the same time had
directed – In the meantime, let no coercive steps be taken
against the petitioner and the case was directed to be listed on
14-10-2025. It is next submitted that the case thereafter was



taken up on 17-12-2025 by a learned co-ordinate bench and based on the office report, the learned co-ordinate bench had directed the case to be listed under the heading “For Admission” as per seriatim.

4. It is further submitted that case was mentioned on 23-12-2025 for taking it out of turn on the ground that despite this Court directed for no coercive action against the petitioner still a notice under section 82 Cr.PC was issued and the same was pasted on the house of the petitioner.

5. Learned counsel for the petitioner submits that informant alleges that at 2 am on 19-5-2025 his daughter along with her mother were returning from the house of her relation, when Shivnandan Kumar and other accused persons under a conspiracy kidnapped his minor daughter and took her forcibly on a Scorio vehicle at gun point.

6. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that the informant and the victim were in love and they eloped and when the instant FIR came to be instituted and police started harassing the family members of the petitioner. 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. It is also submitted that victim was examined by a Medical Board and the Medical Board assessed her age in between 18-20 years, but then the FIR came to be instituted disclosing the victim to be a minor based on her certificate. It is next submitted that even presuming what has been alleged is true without admitting then victim was more than 16 years of age. It is further submitted that though the house service of the notice was effected but still the OP No. 2 chose not to appear and contest, which amply demonstrates that the occurrence as alleged never took place. It is reiterated and submitted that from perusal of the statement of the victim recorded under Section 183 BNSS (Annexure-2), it would manifest that victim has not supported the case of the prosecution.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the order dated 27-8-2025, it would manifest that the learned co-ordinate bench had recorded that in the meantime, let no coercive steps be taken against the petitioner and the case was directed to be listed on 14-10-2025, as such no coercive directed was only valid till 14-10-2025, as such process under Section 82 Cr.P.C. was correctly issued, but then is not in a position to rebut



the Annexure-2 to the anticipatory bail application that victim has not supported the case of the prosecution.

8. 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 Bihariganj P.S. Case No. 215 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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