

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60816 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Dhiraj Kumar S/o Awadhesh Prasad R/o Village- Godhwa, P.S.- Muffasil,
District- East Champaran, Motihari Petitioner/s

Versus

1. The State of Bihar
2. X S/o Y R/o Village- Godawa, P.S.- Muffasil, District- East Champaran
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Md. Mushtaque Alam, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 180 of 2025, F.I.R. dated 23.03.2025 for the offences punishable under Section 96 of the Bhartiya Nyaya Sanhita, 2023 and Section 8/12 of the POCSO Act.

3. According to prosecution case, the informant suspects that this petitioner along with other accused persons have kidnapped his daughter.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that due to earlier dispute the



petitioner has falsely been implicated in the present case.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that the petitioner is named in the F.I.R and there is direct and specific allegation against him that he has kidnapped the victim girl who happens to be the daughter of the informant. He further submits that the date of birth of victim is 11.06.2008 which suggest that she was minor at the time of occurrence. Although her statement was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has stated that she left her house voluntarily. He further submits that the consent of the minor is no consent in the eye of law.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Muffasil P.S. Case No. 180 of 2025 pending in the court of 6th Additional District & Sessions Judge cum Exclusive Special Judge, Special Judge POCSO Act, East Champaran, Motihari.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

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