

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61103 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Shiv Prakash Kumar S/o- Jawahar Sah Village- Sakrauli P.S-Bakhtiyarpur
District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Seema Kumari W/o- Sanjay Kumar Singh Village- Sardiaha P.S-
Bakhtiyarpur District-Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate Ms.Kumari Pallavi, Advocate
For the State	:	Mr.Arun Kumar, APP
For O.P. No.2	:	Mr. Abhinav Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-12-2025 Heard Mr. Manoj Kumar Pandey, learned counsel for

the petitioner and Mr. Abhinav Alok, learned counsel for the

opposite party no.2 beside the learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Simri Bakhtiyarpur P.S. Case No. 544 of 2024 for the
offence registered under sections 96, 137(2), 3(5) of BNS and
Section 8, 12 of the POCSO Act lodged on 05.12.2024.

3. As per the prosecution story, the informant alleged
that in the night, he found the victim girl missing and as she
went out, saw all the named accused persons taking her away in
a car. Earlier also, they had taken the girl but later, with the



intervention of Police/villagers, she returned. This led to the FIR.

4. Learned counsel for the petitioner submits that they were in relationship, the occurrence took place on 01.12.2024 while the FIR was lodged 05.12.2024.

5. The Police traced out the victim girl on 07.12.2024. On query, she acknowledged that one of the mobile phone was handed over to her by this petitioner with which she used to talk with him.

6. Learned counsel for the petitioner submits that they were in relationship and only because the family members pressurized her, she gave a tutored statement under section 183 of BNSs.

7. Learned counsel for the informant on the other hand submits that the uncontroverted fact is that the girl is minor and she has made a statement that both Uday Sah and this petitioner after taking her away, repeatedly raped her.

8. Though, this Court acknowledges the delay in lodging of the FIR as also the fact that the Police recorded that the girl informed that one of the mobile phone was handed over to her by this petitioner with which she used to talk. However in view of the statement she has made under section 183 BNSs



coupled with the fact that she has been found to be minor, this Court is unable to extend the relief to the petitioner.

9. The anticipatory bail application stands rejected.

10. If the petitioner surrenders within a period of four weeks from today before the Court and seek bail, the Court concerned shall see to it that he do not have criminal antecedent as also the fact that have been recorded in the case diary before coming to the conclusion and disposing of the bail application.

(Rajiv Roy, J)

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