

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65013 of 2025

Arising Out of PS. Case No.-266 Year-2023 Thana- NAUTAN District- West Champaran

Manjit Chaudhary @ Manjit Mukhiya @ Manjit Kumar S/o Sri Narendra Chaudhary @ Nagendra Chaudhary Resident of Village- Bankatwa Mangalpur, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi W/o Sri Rama Manjhi Resident of Village- Bankatwa Mangalpur, P.S.- Nautan, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Advocate
For the State	:	Mr. Zainul Abedin, APP
For the O.P. No.2	:	Mr. Ram Kishun Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-12-2025 Heard learned counsel for the petitioner and learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation in the First Information Report is that the petitioner along with co-accused persons, namely Dhiraj Mukhiya and Pawan Mukhiya conspired and abducted the minor daughter of the informant, while she was on her way back from a party.

4. Learned counsel for the petitioner submits at the



outset that there is inordinate delay of 28 days in lodging the First Information Report inasmuch as, while the occurrence took place on 02.06.2023, the First Information Report came to be lodged on 04.07.2023 for which no plausible explanation has been tendered. It is further submitted that the statement of the victim recorded under Sections 180 and 183 of the B.N.S.S. are at variance with each other and while in her statement under Section 180 of B.N.S.S., she has admitted that she was known to the petitioner for past four years and they were even wanting to marry each other, in her statement under Section 183 of B.N.S.S., she has stated that she was kidnapped, however, even in such statement she has not made any allegation with regard to any sexual assault. The Medical Report also confirms the fact that there was no sign of any physical or sexual assault. The petitioner is in custody since 10.07.2024 and he undertakes to co-operate in the trial.

5. Learned APP for the State and the learned counsel for the opposite party no.2 have opposed the grant of bail beside others on the ground that the petitioner is making some photographs of the daughter of the informant viral on the social media.

6. Taking into consideration the facts and



circumstances and also considering the fact that there is variance in the statement of the victim recorded under Sections 180 and 183 of B.N.S.S. and there is no allegation of any physical or sexual assault, coupled with the fact that the medical evidence also does not disclose any sexual assault, let the above named petitioner, who has no criminal antecedent, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, West Champaran at Bettiah/concerned Court below in connection with Nautan P.S. Case No. 266 of 2023.

7. However, it is made clear that in case the petitioner indulges in any activity which would harm the dignity of the informant's daughter, the Court concerned shall take steps to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

anand/-

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