

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68352 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- ANTICHAK District- Bhagalpur

Md Chotu @ Kaila S/O Sah Jamir Resident of Village - Dhanora, P.S-
Rasalpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar Sinha, Advocate
For the State	:	Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Antichak P.S. Case No. 48 of 2025 registered for the alleged offences under Sections 96/3(5) of BNS, 2023.

3. As per prosecution case, the petitioner enticed away the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and has not committed any offence. The petitioner is aged 20 years and is a student of class 12th. The victim girl has been recovered and her statement under Sections 180 and 183 BNSS were recorded. In her statement recorded under Section 180 BNSS she stated



about being in love with the petitioner. However, when her statement was recorded under Section 183 BNSS she stated that this petitioner gave her some intoxicating substance and thereafter she lost consciousness and she was taken to Hyderabad by the petitioner and she returned coming to know about institution of the case against the petitioner. Learned counsel further submits that, however, the story is not believable as the occurrence took place on 27.04.2025 and her statement was recorded on 02.05.2025 when she was also medically examined. It is not believable that the victim has taken to Hyderabad and then she returned within three days. Learned counsel further submits that during medical examination the age of the victim was assessed 17-19 years and she is major. No evidence of any sexual assault was found and no allegation was made either under Section 180 BNSS or 183 BNSS. The petitioner is having clean antecedent and he is in custody since 04.07.2025 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl and her improbable story and further



considering the possibility of consensual act on part of the victim and also considering the age of the petitioner, his clean antecedent, period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Bhagalpur/concerned Court in connection with Antichak P.S. Case No. 48 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

