

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75567 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- BASANTPUR District- Siwan

Masum Ansari @ Mohammad Masum Son of Mansur Alam @ Mansur Ansari
R/O Village- Jalalpur Paschim Tola, Police Station- Lakri Naviganj, District-
Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bishundeo Mahto Son of Late Pashuram Mahto R/O Village- Jalalpur Purab
Tola, Police Station- Lakari Naviganj, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 01-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Basantpur P.S. Case no.182 of 2024 registered under
Sections 366A, 341, 323, 504, 506 and 34 and Sections 4 and 6
of the POCSO Act.

3. As per the prosecution case, the informant states
that on 05.04.2024, his minor daughter went out to ease herself
but did not return. She was searched but she was traceless.
Thereafter, the informant got information that the petitioner
along with others kidnapped his daughter in order to marry her.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The allegations against the petitioner are false and concocted. The occurrence had taken place on 05.04.2024 and the present F.I.R was lodged on 08.04.2024 i.e. after a delay of three days despite the fact that it has been disclosed in the F.I.R that the informant got the knowledge that it was the petitioner who had kidnapped the victim girl. He further submits that it is the case of love affair between the petitioner and the daughter of the informant and the same would also be demonstrated by the fact that victim upon her recovery stated in her statement recorded under Section 164 Cr.P.C, that she went with the accused out of her own will without any threat or coercion. She further states that she had gone along with the petitioner to Patna and then to Gopalganj and had also solemnized marriage with him. It has further been argued that victim is also major, however, she has not been medically examined and thus, assessment of her age is not on record by the Medical Board. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the victim girl is minor and the allegation against the petitioner is of kidnapping.



6. Taking into consideration the statement of the victim recorded under Section 164 Cr.P.C, delay in lodging of the F.I.R and also considering the fact that petitioner himself a young boy of 19 years of age and has no criminal antecedent, it is directed that the petitioner above named, who has no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Basantpur P.S. Case no.182 of 2024 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 District and Sessions Judge-VI-cum-the Special Judge, POCSO, Siwan, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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