

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78709 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- PARBATTI District- Khagaria

Rahul Kumar Son of Prabhash Chaurasiya Resident of Kulhariya, P.S.-
Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-12-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 140(4),
351, 352 and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her married daughter along with the child had come
to her parental home when petitioner abducted her by enticing,
further he kept the victim at Bhagalpur for four months and
physically exploited her and threatened that if informant will try
to bring her daughter back, he will kidnap her other daughter.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence is 26.08.2025 and the FIR came to be instituted on 20.01.2025 i.e. after a delay of more than four months which casts an aspersion on the case of the prosecution. It is also submitted that the victim came back and her statement was recorded under Section 183 BNSS. The learned counsel submits that he has a copy of the case diary and from perusal of the same, it would manifest that statement of the victim was also recorded under Section 183 BNSS, as recorded at Para-74 of the case diary wherein the victim has stated that petitioner came to Khagaria and on pretext of getting her meet her mother brought her to Bhagalpur and confined her in a room for four months where she stayed with her five years old daughter, but the petitioner asked her to send the daughter back, on which she did not agree and thereafter he ousted her from the house. It is submitted that the victim does not allege any sexual assault, which amply demonstrates that victim on one hand is trying to save the petitioner also. It is also submitted that no doubt victim is a married lady, but then the relationship was consensual and had the victim been abducted in the manner as alleged in the FIR, in that event FIR would have been instituted promptly.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Parbatta P.S. Case No. 24 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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