

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85891 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- CHHATAPUR District- Supaul

Shishupal Kumar @ Shishupal Mandal Son of Birendra Mandal R/V -Katahi,
Ward No.- 08, PS-Chhatapur, Distt.-Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Choudhary Son of Baidyanath Choudhary Resident of Village-
Pattiratansar, P.s.- Chhatapur, Distt.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Ranjeet Kumar Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 26-06-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 137(2), 96, 352, 351(2), 3(5) of the B.N.S., 2023 and Section 4/18 of the POCSO Act.

3. The allegation in the FIR is that the minor daughter of the informant was kidnapped by five accused persons including the present petitioner. The further allegation is that Shishupal Mandal, the present petitioner, had taken her away for the purposes of marriage.

4. Learned counsel for the petitioner submits that the



allegations of kidnapping made in the FIR are not correct and as a matter of fact, there was a love affair between the petitioner and the victim girl and the victim had voluntarily left her house along with the petitioner and has even got married to him. After her recovery, the statement of the victim was recorded both under Sections 180 & 183 of the B.N.S.S. and in both the statements, she has clearly stated that she had called the petitioner on phone and gone away with him to Nepal and solemnized marriage with him. She has further stated that when they got an information that the elder brother of the petitioner has got arrested, they came back and she wants to stay with her husband at her *sasural*. Further, she has disclosed her age as 18 years in the statement recorded under Section 183 of the B.N.S.S. and the medical examination report also discloses her age to be 17 to 19 years and that there is no sign of any physical assault upon her.

5. Learned APP for the State and learned counsel appearing for the informant, however, oppose the grant of anticipatory bail on the ground that the victim is a minor according to her educational qualification. However, during the course of investigation, no such document has been brought on record.



6. Taking into consideration the statement of the victim recorded under Section 183 of the B.N.S.S., I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Chhatapur P.S. Case No. 254 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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