

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3835 of 2025

Arising Out of PS. Case No.-204 Year-2023 Thana- BHITAHA District- West Champaran

Nabi Hassan @ Bhola Son of Sri Sabir Mian @ Sabbir Miyan Resident of Village- Mudadih, Virt Badahar, Ward No. 7, P.S.- Bhitaha, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Taiyab Ali Son of Abdul Gaffar Resident of Village- Rehra, P.S.- Bhitaha, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alexander Ashok, Adv
For the State	:	Mr.Pranav Kumar, APP
For the Informant		Mr. Sharad Kumar Verma, Adv
		Mr. Hemant Ray, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 04-08-2025 Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under sections 366(A), 504, 506/34, 363, 376, 120B of the Indian Penal Code and section 4 and 8 of the POCSO Act

3. The allegation in the FIR is that 17 year old daughter of the deceased was kidnapped by the accused persons being 8 in number for the purposes of solemnizing marriage.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR, although the main accused



Seraj Ali is named along with 7 other persons. It is further submitted that there was love affair between the victim and the main accused Seraj Ali, who subsequently surrendered and has now been released on regular bail. It would be clear from the re-statement of the informant that there was a desire expressed by co-accused Seraj Ali for marrying his daughter, which was refused. The statement of the victim girl under section 164 Cr.P.C was recorded after her recovery upon pressure of family, wherein she has supported the factum of her being forcibly taken away by the petitioner and the main accused Seraj Ali. However, there is no specific allegation made against the present petitioner much less there being any allegation of sexual assault. It has also been submitted that the victim was recovered on 29.12.2023 by her own uncle, who came to Puna and in the meantime, the girl had travelled to places but had not raised alarm which shows that there was a consensual relationship between her and the main accused and subsequently, the statement under section 164 of the Cr.P.C has been recorded upon pressure of the family. She has also reached an age which is on verge of majority./

5. Learned counsel for the informant however, opposes the anticipatory bail on the ground that the name of petitioner



features in the statement of the victim girl under section 164
CR.P.C

6. Considering the facts and circumstances of the case
and also considering that no specific role has been assigned to
the petitioner and the main accused, in his confessional
statement fails to even name this petitioner, let the petitioner, in
the event of his arrest/ surrender within a period of four weeks
from today, 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 the learned court below where the case is
pending/ successor court in Bhitaha P.S.Case No. 204 of 2023,
subject to condition as laid down under Section 438(2) of the
Cr.P.C .

N.K/-

(Soni Shrivastava, J)

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