

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4945 of 2026

Arising Out of PS. Case No.-180 Year-2025 Thana- AAJAM NAGAR District- Katihar

Mohan Lal Sharma @ Mohan Kumar Sharma Son of Lalbahadur Sharma
Resident of Village- Mangatpur, Ps- Azamnagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection with Azamnagar P.S. Case No. 180/2025 lodged on 08.06.2025, for the offences punishable under sections 96, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the F.I.R. all the accused persons, in connivance with each other, kidnapped the minor daughter of the informant with the intention to marry her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The antecedent of the petitioner is clean. The allegation is false and fabricated. Learned counsel further submits that upon recovery of the victim girl, her statements were recorded under Sections



180 and 183 of the B.N.S.S., 2023, wherein she stated that she had gone to Delhi of her own free will. It is further stated that after reaching Delhi, she contacted the petitioner over the phone, whereupon the petitioner advised her to return home, apprehending that her family members might otherwise lodge a criminal case against him. The said facts have been duly acknowledged in the order rejecting the bail application passed by the learned Trial Court. It has also been noted therein that, as per paragraph no. 17 of the case diary, the victim was recovered from Katihar Railway Station.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that at the initial stage, the victim had refused to undergo medical examination. After recording her statement under Section 183 of the B.N.S.S., 2023, she was produced before the CWC, Katihar, on the same day. However, later in the evening on 18.06.2025, the victim filed an application before the learned Trial Court stating that she had declined to undergo medical examination earlier under the influence of the accused persons. She prayed for permission for her medical examination as well as for recording of her statement. It is further submitted that since the victim is a minor and as per the medical report, she has been subjected to sexual



intercourse.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with aforementioned case, pending before the learned CJM, Katihar is hereby rejected.

7. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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