

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8345 of 2026

Arising Out of PS. Case No.-195 Year-2023 Thana- KOTWA District- East Champaran

Shyambabu @ Shyambabu Kumar Son of Nandu Mahto R/o Vill.- Barharwa
Kala, P.S -Kotwa, Dist. - East Champaran at Motihari.

... .. Petitioner

Versus

1. The State of Bihar
2. xxxx Wife of Awadhesh Prasad R/o Vill.- Machhargama, P.S -Kotwa, Dist. -
East Champaran at Motihari.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Kotwa P.S. Case No. 195 of 2023 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

3. The allegation against the petitioner is to kidnap the minor daughter of the informant aged about 16 years for the purpose of illicit intercourse/marriage with another person.

4. Learned counsel appearing on behalf of the petitioner submitted that allegation of kidnapping not appears convincing for the reason that the victim daughter of the informant accompanied the petitioner up to Delhi, which is not possible in want of free-



will.

5. It is submitted that the allegation of sexual assault is also not available against this petitioner and, therefore, allegation, as raised under the provisions of POCSO Act, appears not convincing. Petitioner claimed clean antecedent.

6. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, submitted that the victim's statement was recorded under Section 183 of the B.N.S.S. during the course of investigation, where she specifically alleged this petitioner to kidnap and took her to Delhi alongwith her sister-in-law, from where she anyhow managed to escape and reached police station, and, thereafter, her father/informant was informed regarding the present occurrence.

7. In view of the aforesaid factual submissions and by taking note of the fact as the victim supported the allegation of her kidnapping, specifically against this petitioner through her statement recorded under Section 183 of the B.N.S.S., accordingly, prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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