

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18362 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- BALTHAR District- West Champaran

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Ismail Gaddi @ Ismail Gadi S/o Deba Gaddi R/o Vill- Bhawari, P.S.- Balthar,
Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 137(2),
140(3) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the informant alleges
that his daughter was kidnapped by the petitioner on
06.01.2026.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant. It is further submitted that petitioner and the victim
were known to each other and the victim, in her statement
recorded under Section 180 BNSS, has not supported the case of



the prosecution but then when her statement was recorded under Section 183 BNSS, she stated that she was known to the petitioner and for the last two years, they were on talking terms and petitioner, on false pretext of marriage, established physical relation and on the date of occurrence, he forcefully took her away and again established physical relation. It is, thus, submitted that when the relationship soured, the present false case came to be instituted.

5. Learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the description of the petitioner, it would manifest that he is aged about 35 years and the victim is a minor aged about 16 years and the petitioner in garb of marrying the victim enticed her and thereafter forcefully established physical relation which also manifests from her statement recorded under Section 183 of the BNSS. It is further submitted that consent of a minor does not have any evidentiary value in the eye of law.

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

7. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not



inclined to extend the privilege of anticipatory bail to the petitioner in connection with Balthar P.S. Case No. 08 of 2026 pending in the Court of learned Judicial Magistrate, 1st Class, West Champaran at Bettiah/Successor Court.

8. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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