

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26725 of 2026

Arising Out of PS. Case No.-48 Year-2024 Thana- DHAKA District- East Champaran

Sunil Kumar @ Sunil Sharma son of Bikau Sharma Resident of Village-
Baswariya Chowk Laxminagar PS -Mehsaul District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Late Virendra Chaudhary Resident Of Village- Barewa,
Ps- Dhaka, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishal Srivastava, Adv.
For the State	:	Mr.Binay Krishna, Spl.P.P.
For the O.P. No.2	:	Mr. Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 24-07-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Dhaka P.S. Case No. 48/ 2024 registered for the offence(s) punishable under section(s) 363, 366A read with section 34 of the IPC, section(s) 3(1)(r)/ 3(1)(s) of the SC/ST Act and section 8 of the POCSO Act.

3. Learned counsel for the petitioner submits that the allegations levelled against the petitioner in the FIR are totally false and in this regard, own statements of the victim recorded under section 161 and 164 of the Cr.P.C. may be perused.

4. Learned Spl.P.P. appearing for the State and learned counsel for the O.P. No.2 oppose the prayer of the petitioner and



submit that the victim is a minor girl.

5. Heard both the sides and perused the FIR and case diary of this case. In the FIR the informant, who happens to be mother of the victim, made the allegation that when her minor daughter, the victim, did not return from the market then during the course of search they found that the petitioner and co-accused had kidnapped her with an intention to marry her. The content of the FIR goes to show that the informant is not an eye witness of the commission of the alleged kidnapping and she simply raised suspicion in respect of first part of the occurrence though she made allegation with regard to caste based abuse by the petitioner's family members but the said allegation is not specific against the petitioner and it also does not appear that the same took place in public view. In the light of the allegations levelled by the informant, the most important evidence is of the victim recorded under section 161 and 164 of the Cr. P. C. and before the police she simply stated that accused persons, including the petitioner, abused and assaulted but did not reveal name of any of the accused including the petitioner and on that point her statement is completely vague and not specific and further before the Judicial Magistrate she stated that she went according to her own will and remained with him due to which



she became pregnant. This statement is completely different to her statement made under section 161 of the Cr.P.C. In view of all these materials, this court finds that the alleged offences under the SC/ST Act and POCSO Act do not attract even prima facie against the petitioner, so, his prayer is not hit by the provisions of section 18 of the SC/ST Act, hence, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dhaka P.S. Case No. 48/ 2024 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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