

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28651 of 2025

Arising Out of PS. Case No.-61 Year-2022 Thana- KESARIA District- East Champaran

Arvind Kumar @ Arvind Kumar Sahani S/o Sri Bhagwan Sahani Resident of
village- Konhiya, P.S.- Kesariya, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudama Devi W/o Baleshwar Singh R/o vill - Kanahiya, P.S.- Kesariya,
Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Ray, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-03-2026 Heard Mr.Hemant Ray, learned counsel for the

petitioner and Mr.Anil Kumar Singh No. 1, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
11.09.2024 in connection with Kesariya P.S. Case No. 61 of
2022, F.I.R. dated 16.02.2022 registered for the offence
punishable under Sections 341,323,363,366A,34 of the Indian
Penal Code and Section 8 of POCSO Act.

3. Allegation against the petitioner is that he
alongwith other co-accused persons kidnapped informant's
minor daughter aged about 17 years.

4. Learned counsel appearing for the petitioner



submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that in fact earlier the informant has lodged the FIR bearing Kesaria P.S. Case No.466 of 2018 for kidnapping of her daughter, in fact the petitioner was in love with the daughter of the informant. In the aforesaid case, the statement of the victim under Section 164 of Cr.P.C. was recorded in which she has stated that she has performed the marriage with the present petitioner and the present FIR has been instituted only to harass the petitioner.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that although the victim has supported the previous case in favour of the petitioner but in the present case (Kesariya P.S. Case No. 61 of 2022), the victim has stated in her statement under Section 183 of BNSS, 2023 that after the marriage the petitioner has produced the victim before the family members and the family members whose named was mentioned in the statement under Section 183 of BNSS, 2023 have committed rape upon her in presence of the petitioner.



6. Considering the nature of allegation against the petitioner which is supported by the victim in her re-statement, I am not inclined to enlarge the petitioner on bail in connection with Kesariya P.S. Case No. 61 of 2022 pending in the court of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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