

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33252 of 2026

Arising Out of PS. Case No.-972 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Anu Ram @ Anu Kumar S/o Ram Chandra Ram Resident of Village -
Balganga, P.S. - Raghunathpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Wife of YYY Resident of Village - Balganga, P.S. - Raghunathpur,
District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the Informant	:	Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection
with Turkauliya (Raghunathpur) P.S. Case No. 972 of 2023
lodged on 14.09.2023, for the offence punishable under Sections
363, 366(A) of Indian Penal Code and Section 8 of POCSO Act
pending in the Court of learned 6th Additional Sessions Judge-
cum-Special Judge, POCSO Act, East Champaran, Motihari.

3. As per the prosecution, FIR has been lodged against
four named accused persons including the present petitioner.

4. Prosecution case in brief is that, on 26.08.2023 at
about 9:00 A.M., the petitioner had kidnapped the minor



daughter of the informant when she was on the way to school. When the informant got the knowledge about the incident, she went to the house of the petitioner, where the other accused persons misbehaved and pushed her out. She has firm believe that the accused persons might have kidnapped her minor daughter with ill intention.

5. Learned counsel for the petitioner submits that there is a variance in the statement of the victim and she went to Tamil Nadu not on allurement but on her own consent.

6. Counsel for informant submits that there is specific allegation in respect to the petitioner.

7. Learned A.P.P for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard the parties and perused the record. From perusal of the record it is clear that the statement of the victim U/s 164 indicate to the fact that the victim went to TamilNadu with the accused petitioner where she remained with him. Since the victim is a minor, the consent of a minor cannot be considered as a vaild consent under the law, I am not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, rejected.



10. However, if petitioner surrenders before the concerned Trial Court within a period of two weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Alok Kumar, J)

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