

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34743 of 2026

Arising Out of PS. Case No.-281 Year-2025 Thana- ARERAJ District- East Champaran

Dipu Kumar @ Deepu Kumar Son of Amiraka Thakur @ Amerika Thakur @
Ambika Thakur Resident of Village- Areraj Barwa Tiwari Tola, P.O. and P.S.-
Areraj, District- East Champaran, Motihari, Bihar- 845411

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX Wife of XXX Resident of Village- Barwa Tiwari Tola, Ward No. 12,
P.O. and P.S.-Areraj, Distt.-Motihari-845411

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 21-07-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as learned

counsel for O.P. No. 2.

2. This application for anticipatory bail arises out
of Areraj P.S. Case No. 281 of 2025 for the offence punishable
under Sections 137(2), 96 of the B.N.S. and Section 8 of the
POCSO Act.

3. As per the allegation, when the informant had
gone outside for some work and while she returned back, she
found that her younger minor daughter was not present at house,
whereafter she asked her elder daughter regarding the
whatabouts of her sister. It has further been alleged that, in turn,
she stated that she had gone towards the railway line, hectic
search was made, but no trace was found. It has further been



alleged that as the victim used to talk to this petitioner, the informant gathered firm belief that the petitioner had kidnapped her minor daughter and has confined her at some secret place.

4. Learned counsel for the petitioner has submitted that the allegation against the petitioner is false. Learned counsel for the petitioner has referred to the statement of the victim girl, recorded under Section 183 B.N.S.S., which was called earlier by order dated 20.05.2026, and has submitted that the victim was scolded by her mother as the SIM card went missing and she left the house and reached Motihari station. It has further been submitted in such statement, she has also stated that the victim called the petitioner and the petitioner stayed with her at the railway station and moved to different places. It has further been submitted, referring to such statement, that when the victim came to know about the lodging of the present case, she came to the house. It has further been submitted that in her statement so recorded she has specifically stated that the petitioner did not have physical relationship with her. It has further been submitted that there is no element of enticing away or taking away and the victim had herself called the petitioner who out of generosity had helped her and she could be saved from untoward incident. It has further been submitted that she



was not of such tender age so as to not understand the consequences. It has lastly been submitted that the petitioner has got no criminal antecedent.

5. Learned counsel for the informant has submitted that the victim was minor on the alleged date of occurrence.

5. Learned counsel for the State opposed the prayer of anticipatory bail of the petitioner.

6. Heard the parties and perused the record. Considering the facts and circumstances, particularly the statement of the victim girl recorded under Section 183 B.N.S.S., let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-VIth-Cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari in connection with Areraj P.S. Case No. 281 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Praveen Kumar, J)

Abdus/-

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