IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44602 of 2026

CNR No. BRHC010630302026

Arising Out of PS. Case No.-179 Year-2025 Thana- PHENHARA District- East Champaran

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Ranjeet Paswan Son of Jagdish Paswan Resident of Village- Mankarwa, P.S.- Fenhara, District- East Champaran

... ... Petitioner/s

Versus

1. The State of Bihar.
2. X Wife of Y Resident of Village- Mankarwa, P.S.- Fenhara, District- East Champaran

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shamir Mehra, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

5 27-10-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. Considering the averments made in the interlocutory application bearing I.A. No.01 of 2026, that the notice issued by this Court has been duly received by the father-in-law of the informant, and it is categorically averred in the jointness affidavit filed through I.A. No.01 of 2026 that the informant and her father-in-law have been living together, I.A. No.01 of 2026 stands allowed. The notice upon the informant is deemed to be validly served.

3. The petitioner apprehends his arrest in connection with Phenhara P.S. Case No.179 of 2025 registered for the

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offences punishable under Sections 96 & 3(5) of the BNS and Section 8 of the POCSO Act.

4. In the evening of the fateful day, while the informant's minor daughter had gone to collect firewood, it is alleged that she was kidnapped by her neighbour, Karan Paswan, along with the petitioner.

5. Learned Advocate for the petitioner submitted that the entire prosecution case is rendered doubtful by the fact that, upon her recovery, the victim categorically stated before the police, in her statement recorded under Section 180 of the BNSS, that she had voluntarily left her house along with the co-accused, Karan Paswan, and the present petitioner, without informing her family members. However, in her subsequent statement recorded before the jurisdictional court under Section 183 of the BNSS, the victim stated that she had left her house under force and coercion allegedly exerted by the petitioner, who thereafter left her at Rupauli village, following which she returned home.

6. Referring to the aforesaid statements of the victim, learned Advocate for the petitioner further submitted that, even if the allegations levelled against the petitioner are taken at their face value, there is no specific allegation indicating that the

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petitioner had committed any wrongful act or forcibly kidnapped the victim. Rather, it was contended that the petitioner had been falsely implicated in the case by making some concocted allegation. The petitioner undertakes that he will fully cooperate in the proceedings of the Court and he is also carrying fair antecedent.

7. On the other hand, learned Advocate for the State vehemently opposes the bail application and submitted that, as per the medical report, the age of the victim has been assessed to be between 15 and 17 years, indicating that she is a minor. It was further submitted that there is a specific allegation against the petitioner that he had taken away the minor daughter of the informant after slapping her and thereafter left her at village Rupauli.

8. Having considered the rival submissions advanced by learned Advocates for the respective parties and taking note of the contradictory statements of the victim recorded under Sections 180 and 183 of the BNSS, as well as the fact that, apart from the allegation that the petitioner slapped the victim girl, no other specific allegation of any wrongful act has been levelled against him, coupled with his fair antecedents and undertaking to cooperate in the proceedings of the Court, let the above

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named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th District & Additional Sessions Judge-Cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Phenhara P.S. Case No.179 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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