

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56953 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- GAUNAHA District- West Champaran

Fahim Ansari S/o Abdul Slam Ansari R/o Village - Murli, P.S - Gaunaha,
Bharhava, District - West Champaran, Bettiah, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najma Khatun W/o Nesar Ali R/o Village - Murli, P.S - Gaunaha, Bharhava,
District - West Champaran, Bettiah, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishabh Mishra, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-02-2026 Heard Mr. Rishabh Mishra, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Gaunaha P.S. Case No. 51 of 2025 for the offence
registered under Sections 137(2), 140(3), 351(2), 351, 3(5), 96,
64(1) of the BNS and Section 4 and 6 of the POCSO Act lodged
on 26.03.2025 by the informant Nazma Khatun.

3. As per the prosecution story, the informant alleged
that her 19 years old, married daughter left her home and the
allegation is that this petitioner took her away. Both used to talk
to each other and the allegation is that he took her on pretext of



solemnizing marriage. However, the family members refused, as she could not find her daughter, Panchayat took place and they refused to marry. Hence, this case.

4. In this case, notices were issued to the opposite party no. 2 and the service report shows that it was duly served on 12.01.2026 but there is no appearance. The office reports record that it has been validly served.

5. In view of the fact that the FIR shows the age of the girl to be 19 years, this Court wanted the Investigating Officer to file counter affidavit as to how POCSO Act gets attracted.

6. The counter affidavit has come according to which the educational register shows her date of birth as 01.09.2007 and as such, on the date of occurrence (20.03.2025), she was between 17 to 18 years.

4. Learned Counsel for the petitioner submits that all through the FIR to the statement of the victim girl, she has narrated her age as 19 years and only to implicate the petitioner, this educational register has been provided, no official document has been produced and this shall be taken up at an appropriate stage before the Court concerned.

5. This Court has also gone through the counter affidavit which shows that the girl in the statement under



Section 183 of the BNSS has narrated that she went on her own and lived with the petitioner for some time. This Court has also taken note of the age of the petitioner which is 21 years, has no criminal antecedent, in view of the aforesaid facts, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, Bihar in connection with Gaunaha P.S. Case No. 51 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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