

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67560 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- MAJHAULIA District- West Champaran

Dhanilal Sah Son of Bhikhari Sah Resident of Senuvariya Tal Tola, Ward No.-
10, P.S.- Majhauriya, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Raghuvir Mahto R/O Village - Senuvariya, School Par,
Ward No.- 10, P.S.- Majhauriya, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P. Kumar, Advocate

Mr. Manaur Alam, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, Advocate

Mr. Bimlesh Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 02-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with
Majhauriya P.S. Case No. 38 of 2025, instituted for the offences
under Sections 87, 352, 351(3) and 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. Allegation against the petitioner is that he enticed
away daughter of informant for the purpose of marriage. It is
also alleged that he also took away Rs. 50,000/- cash and six
pieces of silver jewellery from the house.

4. Learned counsel for the petitioner submitted that the



petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that victim girl is major. He further submitted that, as a matter of fact, victim has already married with one Manoj Mahto on 09.07.2024. He further submitted that in the statement recorded u/s 183 of BNSS victim has not stated anything against the petitioner. The victim was taken to the Doctor for medical examination, but she declined to undergo medical tests. The victim is major aged about 18 years. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.03.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that there is contradiction in the statement made under Section 180 BNSS and u/s 183 of the BNSS. However, in statement recorded under Section 183 of BNSS, she changed her version. He further submitted that out of five witnesses, one witness has been examined. The Charge-sheet has been submitted against the petitioner under Sections 96/64(1) of the Bharatiya Nyaya



Sanhita, 2023 and Section 4/6 of the POCSO Act.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence, this Court is not inclined to grant bail to the petitioner at this stage.

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

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

manish/-

U		T	
---	--	---	--

