

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62529 of 2025

Arising Out of PS. Case No.-477 Year-2024 Thana- DHAKA District- East Champaran

Shivbalak Sahani @ Modi S/o Nagendra Sahani R/V - Mahuawa, PS- Dhaka,
Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kashim Mansuri C/o Late Sahid Mansuri R/o vill - Mahuawa, P.S.- Dhaka,
Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Priyanka Singh, Advocate Mr. Yogesh Chandra Verma, Advocate Mr. Harsh Kumar, Advocate Mr. Salaj Kumar Rai, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Sanjay Kumar Tiwari, Advocate Mr. Ujjwal Kumar, Advocate Mr. Mohan Kr. Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 06-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 96 and 3(5) of the B.N.S. and Sections 8 and 12 of the POCSO Act.

3. The case of the prosecution is that the petitioner along with other has kidnapped the minor daughter of the informant while she has gone to ease herself.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. During course of investigation, the victim has given her statement



recorded under Section 180 of B.N.S.S. wherein she has stated that she was on talking terms with the petitioner and they were in courtship. On the date of occurrence, the petitioner called her and on his call, she came out from her house on the pretext of easing herself. It is further stated that the petitioner took her to Malahi Tola, Nepal and was kept in a house. It is further stated by the victim that she was being assaulted by the petitioner. As the petitioner came to know that case was lodged, he left the victim in an orchard. The victim has also given her statement recorded under Section 183 of BNSS wherein she has stated that the petitioner has established physical relationship with her by force. Learned counsel for the petitioner has submitted that from perusal of the statement of the victim under section 180 of BNSS, it is clear that it is a case of romantic relationship of adolescent. It has further been submitted that section 366A of IPC is not attracted as the kidnapping was not for the purpose as required under above section. Learned counsel for the petitioner has further submitted that from perusal of the medical report of the victim, it is clear that the age of the victim is about 16-18 years. Victim has given two statements during investigation one is under Section 180 of B.N.S.S. and another is under Section 183 of B.N.S.S. The statement of the victim under Section 180



of the B.N.S.S. is the previous statement and the victim has developed the story of physical intercourse in her statement under Section 183 of B.N.S.S. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 19.06.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhaka P.S. Case No. 477 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th District and Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran at Motihari.

(Ashok Kumar Pandey, J)

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