

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69674 of 2025

Arising Out of PS. Case No.-746 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Vikash Mishra @ Vikash Kumar Mishra Son of Ajay Mishra @ Ajay Kumar Mishra Resident of Village - Mahishi, Police Station - Mahishi, District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX Son of Kamal Paswan Resident of Village - Gobargadha, Police Station - Saharsa Sadar, District - Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh
For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered under Sections 137(2), 3(5) of the B.N.S. and Sections 3(i),(r)(s), 3(2)(v) of the SC/ST Act.

3. The allegation in the first information report relates to the informant's daughter being kidnapped by the petitioner and subjected to sexual assault.

4. Learned counsel for the petitioner submits that there is no allegation either under the SC/ST Act or with regard to the POCSO Act. The age of the victim as alleged in the FIR is 17 years and as a matter of fact, she is an adult and her age could not be assessed medically as she had denied the medical



examination. With regard to Annexure-p/2, it appears that the victim is about 17 ½ years old. In her statement under Section 180 of the BNSS recorded in paragraph-44. She has stated that she had gone along with the petitioner with her own consent and will and even in her statement under Section 183 of the BNSS recorded in paragraph-58 of the case diary, there appears to be no allegation of any sexual assault rather she has stated that she had gone along with the petitioner voluntarily and was interested in getting married with him.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the facts and circumstances and also considering the fact that there is no allegation of any sexual assault upon the petitioner and also the tenor of the statements made by the victim girl under Section 180 and 183 of the BNSS, let the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Saharsa Sadar P.S. Case no.746 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending subject to the



condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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