

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69678 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- BANKA District- Banka

Om Prakash Rajak @ Golu @ Goloo S/O Late Lakshmikant Rajak Resident
of Lakrikola (Majira), P.S. and Dist. - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. XXX S/O Late YYY Resident of Lakrikola (Majira), P.S. and Dist. - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-01-2026 Heard learned counsel for the petitioner and learned

APP for the State. However, despite issuance of notice and the

same being personally received by the opposite party no. 2, no

one appears on behalf of the opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered under Sections 96, 352, 3(5) of the BNS and Section
4 of the POCSO Act.

3. Allegation in the first information report relates to
kidnapping of the minor daughter of the informant by one Rahul
Mandal.

4. Learned counsel for the petitioner submits that it
would be apparent from the first information report that the
thrust of the allegation made in the FIR is against co-accused



Rahul Mandal. However, the name of the petitioner does not figure in the FIR. It has further been submitted that the informant has himself stated that on 29.09.2024 after 11:00 p.m. when they had all gone to sleep, the victim had gone out of the house and did not come back and subsequently he came to know that she had been allured by co-accused Rahul Mandal. However, the said incident was reported only on 01.10.2024 after due thought and deliberation and yet the name of the petitioner did not figure. The petitioner's name transpired during the statement of the victim girl under Section 183 of the BNSS wherein she has narrated the story in a different manner which is totally contrary to the first information report by stating that at 12 noon on 29.09.2024 while she was alone in the house, she was abducted by Rahul and his friends including the present petitioner. Upon reading of the statement, it would further appear that the marriage was performed with Rahul which was aided by the petitioner and others and she has herself stated subsequently that both of them came back to the house whereafter Rahul was taken into custody.

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 the petitioner was originally not named in the first information report and has been made an accused on account of being a friend/acquaintance of the main accused Rahul and also upon considering the narration of story by the victim under Section 183 of the BNSS coupled with the fact that she even refused a medical examination, 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 Banka P.S. Case no.407 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, 2023, subject to the conditions:

- (i) The petitioner would cooperate in the investigation/ trial.
- (ii) One of the bailors will be a family member/close relative.

(Soni Shrivastava, J)

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