

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76067 of 2025

Arising Out of PS. Case No.-410 Year-2024 Thana- KALYANPUR District- East Champaran

1. Nesar Ansari S/o Anwar Mian @ Anwar Ansari, Resident of Village- Medan Sirisiya, P.S.- Kalyanpur, District- East Champaran.
2. Kareena Khatoon @ Sabina Khatoon D/o Anwar Mian @ Anwar Ansari Resident of Village- Medan Sirisiya, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhanmanti Devi W/o Mukesh Mahto R/o vill - Medan Sirisiya, ward no. 8, P.S.- Kalyanpur, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate Mr. Sumit Kumar, Advocate Mr. Sudhanshu Kumar, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Akshay Tripathi, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioners, learned APP

for the State as well as learned counsel appearing on behalf of

the informant.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 137, 96, 65(1) of B.N.S., 2023 and Sections 4/8 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no.2 is a woman aged about 19 years and the informant alleges that her minor daughter on 02.12.2024 at 10:00 p.m. had gone to



attend natures call when the accused persons including the petitioners kidnapped her for the purposes of marriage.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that petitioners being brother and sister of Kaisar came to be implicated. It is further submitted that Kaisar and the victim were in love and they eloped. It is also submitted that victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she has supported the case of the prosecution, but then has not alleged anything specific against the petitioner. It is also submitted that police after investigation submitted final form exonerating the petitioners of the allegations, as alleged in the FIR, but then the learned Trial Court differing with the police report took cognizance, as such, the petitioners apprehend their arrest. It is next submitted that when one investigating agency, after threadbare investigation, came to a considered conclusion that petitioners are innocent, whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioners of the allegations.

5. Learned APP and the learned counsel for the



informant oppose the anticipatory bail application of the petitioners but then learned counsel for the informant is not in a position to rebut the submission of the learned counsel for the petitioners that victim in her statement recorded under Section 164 Cr.P.C. has not stated anything specific against the petitioners and police submitted final form exonerating the petitioners of the allegations.

6. Considering the submissions made by learned counsel for the petitioners, let petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-cum-Exclusive Special Judge (Rape & POCSO Cases), East Champaran, Motihari in connection with Kalyanpur P.S. Case No.410 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Sanjay/-

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