

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74088 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- BAIRIYA District- West Champaran

Mumtaz Ansari @ Mumtaz Alam S/O Aslam Ansari R/O Village- Bairiya
Tiwari Tola, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suganti Devi W/O Lalbabu Chaudhary R/O Village- Bairiya Tiwari Tola,
P.S- Bairiya, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raki Alam, Advocate Mr. Sunil Kumar No. III, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mrs. Kumari Akanksha Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-02-2026 Heard Mr. Sunil Kumar No. III, learned counsel for

the petitioner, Mrs. Kumari Akanksha Rai representing the

informant as also Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in
connection with Bairiya P.S. Case No. 180 of 2025 for the
offence registered under sections 137(2) and 96 of the B.N.S.
and Section 8 of the POCSO Act lodged on 07.05.2025 by the
informant, Suganti Devi.

3. As per the prosecution story, the mother alleged
that the victim girl had gone to the school and as she was
returning, the accused persons kidnapped her. Apprehending
that the girl may be sent to brothel, the FIR.



4. In this case, notices were issued to the opposite party no. 2 on 19.11.2025 and case diary, criminal antecedent report and the statement of the victim girl were called for. The same have been received and the girl in her statement under Section 183 of the BNSs has recorded that she is sixteen years of age, her mother always was violent towards her as she used to talk to this petitioner. In that background, she left the place and went to Punjab alongwith the petitioner. She further recorded that she do not want to go to her home.

5. Learned counsel for the petitioner submits that though both were in relationship, he had no role to play in the girl walking out of the house and only because she choose to live her life on her own, the family members lodged this FIR and he do not have any criminal antecedent.

6. Learned counsel for the informant on the other hand opposes the prayer submitting that the girl was not major on the date of occurrence.

7. Taking into account the submissions of the parties as also that the girl has not recorded anything adverse against the petitioner, she walked out of the house on her own, as recorded above, this petitioner has no criminal antecedent and nothing has been alleged against him, in that background, this



Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District and Additional Sessions Judge – VII cum Special Judge (POCSO) West Champaran, Bettiah in connection with Bairiya P.S. Case No. 180 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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