

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77309 of 2025

Arising Out of PS. Case No.-414 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

Nitish Kumar Dubey @ Nitish Dubey S/o- Ram Ayodhya @ Ram Ayodhya
Dubey @ Rama Ayodhya Dubey @ Ayodhya Dubey @ Lotan Dubey R/v-
Katsariyan, Barupur, Badhupar, Ps- Mohaniya, Dist- Kaimur Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sarita Devi W/o- Anil Kumar Dubey R/v- Katsariyan, Barupur, Badhupar,
Ps- Mohaniya, Dist- Kaimur Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

Mr.Dheeraj Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

For the informant : Mr. Kumar Sunil

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-04-2026

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Mohania (Mohaniya) P.S. Case No. 414 of 2025 dated 17.05.2025 registered under Section 64(1), 352, 351(2), 351(3), 3(5) of the B.N.S. and Section 04 of the POCSO Act.

3. As per the first information report lodged on 17.05.2025 the younger daughter of the informant, aged about 16 years, has been allured by the petitioner, aged about 36 years being the agnate (uncle) and he has been establishing physical



relationship with the informant's daughter for the last four years. After some days, the informant came to know about the love affair of her daughter with the petitioner, who is uncle of the victim, and when she protested, the petitioner abused the informant and threatened to kill her.

4. Learned counsel for the petitioner submits that the petitioner being the agnate of the victim girl has falsely been implicated in this case only on the basis of the fact that the daughter of the informant used to talk with the petitioner being the family member. The petitioner denied that he has established physical relationship with the victim. Only talking terms were there between the petitioner and the victim girl. The statement of the victim girl was recorded under Section 183 of the B.N.S.S. in which she has not supported the prosecution story and has denied having any physical relationship with the petitioner. The doctor examined the victim and has given the finding that there is no sign of recent physical relationship.

5. On the other hand, Mr. Kumar Sunil, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that that petitioner being the uncle of the victim girl, taking advantage of her tender age of about 14-16 years, has been establishing physical relationship with her



for the last 3-4 years. On objection being made by the informant, the petitioner threatened the informant and the girl also threatened to commit suicide. The mind of the victim girl was changed by the petitioner however the girl has supported the prosecution case in her statement recorded on the date of occurrence i.e. on 17.05.2025 stating that the petitioner has been establishing physical relationship with her.

6. Regard being had to the submission made by the parties, taking into consideration the fact that the victim girl has not supported the prosecution case in her statement under Section 183 B.N.S.S. recorded within a period of two days from the date of lodging of the F.I.R. and has said therein that only talking term between the petitioner and the victim girl was there and no physical relationship was established between them, accordingly, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI cum Special



Judge POCSO Act, Kaimur (Bhabhua) in connection with
Mohaniya P.S. Case No. 414 / 2025 subject to the condition as
laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

