

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78140 of 2025

Arising Out of PS. Case No.-800 Year-2025 Thana- SIKARPUR District- West Champaran

Dhanu Kumar S/O Amar Chaudhary R/O Village- Sasraw, Ward No. 12,
Bhairoganj, P.S- Bagaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raghu Sah S/O Chokat Sah R/O Village- Purani Bazar, Ward No. 2, Nagar Parishad, P.S- Shikarpur, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the O.P. No.2	:	Mr. Manaur Alam, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-02-2026 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party
no.2.

2. The counter affidavit has been filed on behalf of
the opposite party no.2, which is kept on record.

3. Since the matter relates to POCSO Act and the
victim is said to be a minor, the Annexure-2 discloses the name
and parentage of the victim girl, which should not have been a
part of the petition and is required to be masked and shall not
be disclosed in the records placed in public domain.

4. Learned counsel for the petitioner expresses his
regret for having filed the said document. In such view of the
matter, the registry is directed to mask the name and other



particulars of the victim in the Annexure-2 and depict her as Ms.X as also mention her name, parentage and other details on a sheet of paper, seal it in an envelop and keep the same on record of this petition.

5. The petitioner seeks bail in a case registered for the offence punishable under Sections 137(2), 352, 351(2), 3(5) of the B.N.S.

6. As per the prosecution case, on 05.08.2025, the informant alleged that the petitioner has kidnapped his daughter.

7. Learned counsel for the petitioner submits that the petitioner is a young boy and the case rests on a love relationship between the petitioner and the victim. After recovery, the statement of the victim was recorded before the police on 16.08.2025 in the presence of her mother wherein she has accepted that she was in love with the petitioner for the past five months and she had left along with the petitioner with her own will and she was even staying with him at Ambala and only after knowing about the present F.I.R., she along with the petitioner came back to home. The statement of the victim girl under Section 183 of the B.N.S.S. differs a little from the statement in Section 180 of the B.N.S.S. inasmuch as, there has



been some addition with respect to forceful taking her away on a train to Ambala, however, in this she has not alleged any sexual assault or exploitation rather she accepted that she was on talking terms with the petitioner. It has been further submitted that the entire family members of the petitioner have been made accused in this case. The petitioner is in custody since 17.08.2025 and he is a student with no criminal antecedent.

8. Learned counsel for the opposite party no.2 submits that the victim, as per her school certificate, is aged about 13 years and minor's consent is no consent in the eyes of law, as such, the petitioner does not deserve privilege of regular bail.

9. Taking into consideration the facts and circumstances and considering the factum of love relationship alleged in the statement of the victim in Section 180 of the B.N.S.S. and also to some extent under Section 183 of the B.N.S.S, coupled with the fact that the petitioner has remained in custody since 17.08.2025 with no criminal antecedent and he, being a student, is also undertaking to co-operate with the trial by appearing on each and every date, let the above named petitioner, be released on bail 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 Additional Sessions Judge-VII-cum-Special Judge, POCSO, West Champaran at Bettiah/concerned Court below in connection with Shikarpur P.S. Case No. 800 of 2025 subject to condition that:-

(i) One of the bailors will be his own blood relative.

(ii) The petitioner shall remain physically present in court on each and every date during the proceedings of this case and also co-operate in getting the charges framed, failing which his bail bonds shall be liable to be cancelled by the learned court concerned.

(iii) It is directed that in case the petitioner is found to tampering with the evidence or influence the victim or her family in any manner, the informant shall be at liberty to file an application for cancellation of bail.

(Soni Shrivastava, J)

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