

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85271 of 2025

Arising Out of PS. Case No.-438 Year-2021 Thana- HARSIDHI District- East Champaran

Brajesh Sahani @ Brajesh Kumar, Son of Birendra Sahani, Resident of
Village - Sonbarsa, PS - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subhash Yadav, Son of Bharat Yadav, R/o Village - Harsidhi Ahir Toli, P.S. -
Harsidhi, Dist. - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Harsidhi P.S. Case No. 438 of 2021 registered for the offences
under Sections 363, 366(A)/34 of the Indian Penal Code and
Sections 8, 12 of the Prevention of Children from Sexual
Offences Act, 2012.

3. As per the prosecution case, the informant has
alleged that his minor daughter had gone to school and
thereafter she did not return. It has been alleged that the
petitioner has enticed his minor daughter for the purpose of
marriage and they both were found to be missing.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no offence as alleged has occurred. It has further been submitted that the victim on recovery had stated in her statement under Section 164 of the Cr.P.C. that she is married to the petitioner and she was never kidnapped. It has next been submitted that she was also pregnant with the petitioner, however, the victim at the time of occurrence was admittedly minor. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail and has stated that though the victim might have stated that she had married with the petitioner, however, the victim was a minor at the time of occurrence and moreover the petitioner had approached the learned Trial Court way back in 2022 for grant of anticipatory bail and the same was rejected on 24.05.2022 and thereafter the petitioner has filed the present application in the year 2025.

6. Considering the aforesaid submissions, I am not inclined to grant anticipatory bail to the petitioner, who had absconded for three years and moreover at the relevant time, i.e., at the time of occurrence, the victim was admittedly a minor.



7. Accordingly, the prayer for anticipatory bail is Rejected.

8. On considering the aforesaid submission, let the petitioner surrender within four weeks from today and the learned Trial Court shall pass necessary order without being prejudiced by this rejection order.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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