

Arising Out of PS. Case No.-303 Year-2025 Thana- FATEHPUR District- Gaya

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Kumar Rishikesh, Advocate
		Mr. Chanchal. Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-04-2026 1. Heard learned counsel for the petitioner, the
learned APP for the State and the learned counsel appearing on
behalf of the informant.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 87 of the BNS, 2023.

3. The Investigating Officer of the case, in compliance of the order dated 27.04.2026, is present in the Court.

4. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner on 28.04.2025 enticed his daughter and took her away, accordingly, informant came to the house of



petitioner when family members of petitioner said that the victim will be returned within an hour or two, but the victim has not returned.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, who is father of the victim. It is next submitted that petitioner and the victim were in a relationship and they eloped and went to Calcutta and from there to Delhi and the moment the petitioner came to know about the institution of the instant case, he brought the victim back to Gaya. It is further submitted that statement of the victim is recorded under Section 183 BNSS, but then from perusal of the same, it would manifest that the statement is confusing, it is submitted that on reading the statement of the victim recorded under Section BNSS, at times it appears that she is not supporting the case of the prosecution and at times it appears that she is supporting the case of the prosecution, but then it is submitted that the statement was recorded under parental pressure, as such, the victim made an endeavour to save the petitioner by recording her statement in a manner which can be read both ways. It is next submitted that victim in her statement recorded under Sections 183 BNSS has stated that she left the house on



20.04.2025 and accompanied the petitioner to Calcutta where they stayed for 10-12 days and from there they went to Delhi and in Calcutta, the petitioner performed *Nikah*, but then in the latter part, it is stated that she was forcefully taken by the petitioner to Calcutta and from there to Delhi and the marriage was performed forcefully, further when she threatened the petitioner that she will commit suicide, the petitioner brought her to Gaya. The learned counsel for the petitioner, thus, submits that the victim does not state that she was abducted by the petitioner and thereafter she was taken to Calcutta and from there to Delhi. It is also submitted that victim also does not state that at Calcutta and at Delhi, the petitioner misbehaved with her, it is thus submitted that the relationship was consensual and victim is a major. It is also submitted that the victim herself has disclosed that she accompanied petitioner to Calcutta and from there to Delhi, but then the victim never made any endeavours to raise alarm either at the places where they were staying or on the way to Delhi from Calcutta. It is also submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned A.P.P. for the State as well as learned



counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that from perusal of the statement of the victim recorded under Section 183 BNSS, it does not appear with certainty that she is supporting the case of the prosecution nor she raised any alarm either at Calcutta or Delhi.

7. After hearing the learned counsel for the parties, the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Fatehpur P. S. Case No. 303 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the



investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. Accordingly, the instant anticipatory bail application stands allowed.

11. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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