

In the Court of Additional Sessions Judge-VI-Cum-Spl. Judge, POCSO, Supaul

A.B.A No. 563/2026

(Arising out of Birpur P.S Case No.- 24/2026)

POCSO CASE NO.-57/2026

12/06/2026

Pravesh Paswan, S/o Bachchi Paswan,
R/o village- Ranipatti, Ward No-1, P.S Birpur, District Supaul.....Petitioner
Vs.

State of Bihar.....O.P

An anticipatory bail petition filed on behalf of above named petitioner, who is apprehending his arrest in connection with Birpur P.S Case No.-24/2026, registered under Section 96, 140(1), 352, 351(2) and 3(5) of BNS, has been pressed today for hearing. Copy of petition already served to Ld. S.P.P for state.

Heard Sri Shivbhushan Singh, learned lawyer appearing on behalf of the petitioner and Ld. S.P.P for the state and perused the case record.

The prosecution story is that the informant has lodged the FIR to this effect that on 13.01.2026, at about 03:00 P.M, the petitioner and one Golu Kumar Das allured and kidnapped the informant's minor daughter, XXX name hidden. It is alleged that the petitioner fled with the minor girl on an Apache motorcycle bearing Registration No. BR60AJ7505, handed her over to Golu Kumar Das in Bhimnagar and returned to Birpur. It is further alleged that when the informant and his family members went to demanded the girl back, the petitioner's family members abused them and threatened to kill the informant's minor daughter.

The Ld. Counsel for the petitioner has submitted that, the petitioner has not moved for anticipatory bail before this Ld. Court or before the Hon'ble High Court at any earlier occasion prior to this. The petitioner is a respected citizen having deep roots in society and holds a clean, unblemished criminal antecedent. The petitioner is quite innocent and the informant party has suppressed the genesis of the occurrence. The petitioner has been falsely implicated in this case due to ulterior motives, village politics and neighborhood animosity and the allegations leveled are entirely concocted and fabricated to harass the petitioner. The entire prosecution story is highly improbable and defies ordinary human logic. It is alleged that the petitioner kidnapped the minor on a motorcycle in broad daylight at 03:00 P.M from a residential neighborhood (Ranipatti, Ward No.-01), yet absolutely no independent eyewitnesses or neighbors have been named in the FIR to corroborate this event, which points towards the complete falsity of the claim. The sequence of events narrated in the FIR that the petitioner kidnapped the girl road to Bhimnagar to hand her over to co-accused Gulu Kumar Das, and then casually returned back to Birpur is a highly unnatural and manufactured narrative designed solely to rope in multiple targeted individuals from the village. The informant has made a bald weeping claim regarding the existence of CCTV footage, but no such

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footage was handed over to the police at the time of lodging the FIR. This is a mere bluff used as a pressure tactics to give color to fabricated story and the petitioner strongly asserts that no such incriminating footage exists. That as per the FIR itself, when the informant's family allegedly went to the petitioner's house to inquire about the girl, the petitioner was not even present. That alleged abuses and threats were attributed solely to other family members (Sunil Das, Ramdev Das, Bachhi Paswan and Moti Devi), further proving that the petitioner has been dragged into this FIR without any specific, credible role in the aftermath. The FIR is vitiated by a highly suspicious and unexplained delay. The alleged incident occurred on 13.01.2026 at about 03:00 P.M but the FIR was registered three days later on 16.01.2026, as held by the Hon'ble Supreme Court in Dilwar Singh V. state of Delhi (2007), unexplained delay in lodging the FIR creates a serious doubt regarding the truthfulness of the prosecution story and strongly suggests concoction and over implication as an afterthought. The petitioner is a young man of merely 19 years of age with his whole life ahead of him. Sending him to judicial custody based on such malicious and unsubstantiated allegation would irreparably ruins his future, career and reputation in society. The petitioner is ready to cooperate with the investigation and will present himself before the police as and when required. The petitioner is a permanent resident of the address mentioned and there is no chance of him absconding or tampering with evidence. The petitioner is ready to furnish sureties as per the order of the Ld. Court and is also ready to abide by the terms and conditions as laid down in section 482 of BNSS 2023.

The Ld. S.P.P Sri Mahendra Prasad Sah vehemently opposed the bail and prayed to reject the same.

Heard both sides and perused the FIR and the available Case Diary. The FIR has been lodged for allegation of kidnapping of informant's minor daughter against the petitioner and co-accused Golu Kumar Das. In re-statement of Informant as mentioned in Para-02 and statement of witnesses in paras-05, 06 and 07 have fully supported the case of prosecution and stated regarding involvement of this petitioner. In para-29 the case diary, the statement of the victim recorded under Section-180 of BNSS in which she has stated that the petitioner has dropped her at Bus stand by motorcycle. As per Para-33 of case diary, the date of birth of victim is 03.03.2009, which reflects that victim is minor at the time of incident. In para-40 the case diary, the statement of the victim recorded under Section 183 BNSS has been mentioned in which she has supported the case of prosecution but not stated anything regarding involvement of this

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petitioner. Para-64 of the case diary contains medical report of the victim in which pathological report shows that no spermatozoa found either living or dead. As per gynec report “no fighting sign or any sign of physical assault found but rape cannot be ruled out. Hymen torn at 1’o clock, 9’o clock”. Statements of independent witnesses as mentioned in para-81, 82 and 83 of case diary, they have fully supported the case of prosecution and specifically stated regarding involvement of this petitioner. Investigation is going on against this petitioner.

Considering the facts and circumstances of the present case, I do not find this is a fit case for anticipatory bail. As such, I am not inclined to grant the accused petitioner namely, **Pravesh Paswan** the privilege of anticipatory bail. Hence the present Anticipatory bail petition of the petitioner is hereby **Rejected**.

RAJESH KUMAR-IV

District and Addl. Sessions Judge-VI

Cum

Special Judge-Exclusive POCSO Court, Supaul

Date of Order	12-06-2026
Date of Reserving Order	12-06-2026
Uploading Date	17-06-2026
Uploaded by	RAJEEV KUMAR