

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5133 of 2025

Arising Out of PS. Case No.-290 Year-2024 Thana- RAGHOPUR District- Supaul

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1. Gautam Arya Son of Dinesh Arya Resident of Village - Marathipur, Police Station - Kursakanta, District - Araria, Bihar
 2. Janaki Devi Wife of Dinesh Arya Resident of Village - Marathipur, Police Station - Kursakanta, District - Araria, Bihar
 3. Dinesh Arya Son of Panchanand Arya Resident of Village - Marathipur, Police Station - Kursakanta, District - Araria, Bihar
 4. Ashok Arya Son of Panchanand Arya Resident of Village - Marathipur, Police Station - Kursakanta, District - Araria, Bihar
 5. Ram Kumar Arya Son of Late Sonelal Arya Resident of Village - Marathipur, Police Station - Kursakanta, District - Araria, Bihar
 6. Bishnudeo Mandal Son of Pepalu mandal Resident of Village - Marathipur, Police Station - Kursakanta, District - Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Ravish, Advocate
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh, APP
For the informant	:	Mr. Sangha Mitra Ghosh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 09-07-2025 Heard Mr. Kumar Ravish, learned counsel for the petitioners and Mr. Sangha Mitra Ghosh representing the informant as also Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Raghopur P.S. Case No. 290 of 2024 instituted under Section 137(2), 96, 3(5) of the Bharatiya Nayaya Sanhita, 2023 lodged on 21.08.2024 by the informant, Ramu Singh.

3. As per the prosecution story, the informant alleged



that presently they reside in NOIDA, though they are permanent resident of Supaul. Allegedly, on 07.08.2024, while the daughter was going towards the temple, one Scorpio took her away which included these petitioners. It has been alleged that earlier also, the kidnapping had taken place which led to NOIDA P.S. Case No. 0237 of 2024. Panchayati took place and thereafter, the second FIR.

4. Learned counsel for the petitioners submit that the boy and the girl on their own eloped, they were in no contact with them and despite best of efforts, could not make communication with them. The further submission is that they had nuptial knots.

5. Considering the fact that the stand of the petitioners that both girl and boy are missing and they despite being parents also have no knowledge of it, this Court taking note of the incompetence of the Investigating Officer of the case in not finding out them, directed the Superintendent of Police, Supaul to constitute a SIT vide an order dated 09.05.2025.

6. Subsequent thereto, counter affidavit has been filed by the S.P., Supaul and as per it, the victim girl alongwith her father-in-law (petitioner no.3) presented herself before the Police Station and narrated that she has moved on her own



alongwith the Purusotam Arya (petitioner's son). She further informed that they have performed marriage on 31.05.2024, she was tortured by her father and would like to go with her husband and not with her father.

7. This Court would put on record the word appreciation for the S.P., Supaul for immediately constituting the SIT which led to the appearance of the girl. However, the concerned S.P. office should see to it that the D.S.P.s under his/her jurisdiction supervise such matters properly as clearly the Investigating Officer failed to do his job in accordance with law.

8. In view of the aforesaid development that has come to the domain, this Court is inclined to extend relief to the petitioners.

9. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Raghapur P.S. Case No. 290 of 2024 to the satisfaction of learned District and Additional Sessions Judge cum Special Judge, POCSO Act, Supaul subject to the conditions as laid down under Section



438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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