

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8281 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- KALYANPUR District- East Champaran

1. Mithu Devi Wife of Rupesh Kumar Resident of village - Tajpur, P.S.- Baruraj, District - Muzaffarpur.
2. Babuniya Devi Wife of Umeshwar Mahto Resident of village - Parsawani Wazid, P.S.- Kalyanpur, District - East Champaran.
3. Arun Kumar Son of Umeshwar Mahto Resident of village - Parsawani Wazid, P.S.- Kalyanpur, District - East Champaran.
4. Umeshwar Mahto Son of Late Ramdeo Mahto Resident of village - Parsawani Wazid, P.S.- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379, 504 of the Indian Penal Code.

3. Prosecution case, in brief, is that all the F.I.R. named accused persons including these petitioners kidnapped minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. As a



matter of fact, after recovery of the victim, her statement was recorded under Section 183 of the B.N.S.S., wherein she has stated that co-accused Rajnish Kumar forcibly took her on his motorcycle, kept her in a room for 10-15 days and committed rape with her. Specific accusation of kidnapping and commission of rape is against co-accused Rajnish Kumar. These petitioners are only alleged to have assisted co-accused Rajnish Kumar and there is no other allegation against them. Petitioners are only victims of false implication. Moreover, there is inordinate delay of about 10 days in lodging the F.I.R. and there is no plausible explanation for the same. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the fact that specific accusation of kidnapping and commission of rape is against co-accused Rajnish Kumar, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate- 4th ,



East Champaran, Motihari in connection with Kalyanpur P. S.
Case No. 254 of 2024, subject to condition as laid down under
Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita,
2023.

(Prabhat Kumar Singh, J)

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