

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19135 of 2025

Arising Out of PS. Case No.-260 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Guriya Devi W/o- Munna Kumar @ Munna Prasad Kharwar Village- Fursatpur Police Station- Dearn, Dist- Saran
2. Munna Kumar @ Munna Prasad Kharwar S/o- Ramjeevan Prasad Village- Fursatpur Police Station- Dearn, Dist- Saran
3. Babloo Kumar @ Rohit Kumar S/o- Late Ajit Kumar Village- Ratanpura Bin Toli Ps- Chapra Muffasil Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pravin Ray S/o- Late Saudagar Ray Village- Naviganj Masumganj Masumeshwar Nath Mandir Ps- Bhagwan Bazar Chapra Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 363 of the Indian Penal Code and later on, Section 376 I.P.C. and Sections 4 and 6 of the POCSO Act has been added.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter aged 16 years on 16.06.2023, went to S. D. Coaching Centre, but did not return till 8.00 P.M.,



thereafter a search was made, but the victim was not found. It is next alleged that Sumit used to talk to her daughter, who was also not present in his house and his mobile was switched off, thus alleges that victim was kidnapped by Sumit.

4. The learned counsel for the petitioners submits that petitioners are not named in the FIR. It is further submitted that petitioner nos.1 and 3 are sister and brother in-law of Sumit and petitioner no.2 is own brother of Sumit. It is also submitted that the informant in the FIR did not even raise a remote suspicion against their involvement in the occurrence. It is further submitted that Sumit and the victim were in love and they eloped and they came after a long time with a child to the house when the victim and Sumit were reprimanded by the family members including the petitioners and they were not willing to support them, as such, the victim subsequently in her statement recorded under Section 161 Cr.P.C. and 164 Cr.P.C. alleged about the involvement of the petitioners in the occurrence. It is next submitted that Sumit and the victim even performed their marriage and out of the wedlock, a child was born and when they came back home and they did not get any support from the family members when allegation of rape was alleged against Sumit and the petitioners were alleged to have abetted the



offence. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge 6th-cum- Special Judge, POCSO Act, Saran at Chapra in connection with Bhagwan Bazar P. S. Case No.260 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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