

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18416 of 2025

Arising Out of PS. Case No.-887 Year-2024 Thana- SIKARPUR District- West Champaran

1. Vikesh Kumar @ Vikash Kumar Sah@ Vikash Kumar Son of Akhilesh Sah Resident of Village- Chengauna, P.S.- Shikarpur, Distt.- West Champaran
2. Sonu Kumar Son of Late Abhay Sah Resident of Village- Chengauna, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikendar Mahto Son of Rameshwar Mahto Resident of Village- Chengauna, P.S.- Shikarpur, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Adv.
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Navin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-05-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No.2.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 61(2), 96, 137(2), 351(2), 351(3) of B.N.S.S. Act, 2023 & Section 4 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that Satyam on pretext of making inappropriate video of the minor aged about 14 years viral committed rape, thereafter



on 29.10.2024 Satyam with the help of Kishan and Bittu kidnapped his minor niece and took her to Gaziabad, on search Chandan disclosed that Satyam has taken his daughter for purpose of marriage and has kept her in the house of her aunt at Haryana, accordingly informant reached the house of Shobha Lal where Sonu, Kishan and Bittu were present from before, further alleges that in kidnapping Satyam was helped by Rinki and Chotan.

4. The learned counsel submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 29.10.2024 and the victim came back on 02.11.2024, thereafter on 23.11.2024 a complaint case was instituted based on which the instant F.I.R. came to be instituted on 01.12.2024. It is thus submitted that if the date of occurrence is 29.10.2024 then why the informant did not institute any complaint case or an F.I.R. after the occurrence as from perusal of the complaint, it would manifest that complainant alleges that date of occurrence is 29.10.2024 the victim came back on 02.11.2024 and thereafter he along with the victim went to the police station for instituting an F.I.R. but when police did not institute the F.I.R. thereafter the complaint case came to be instituted on 23.11.2024. It is next submitted



that in sum and substance the case of kidnapping was instituted after the victim returned, which casts an aspersion on the case of the prosecution. It is further submitted that the statement of the victim was recorded under section 183 BNSS wherein she supported the case of the prosecution but then the same was recorded under parental pressure. It is also submitted that no doubt the victim is a minor aged about 14 years but then the thrust of the allegation is against Satyam and petitioners being friend and brother of Satyam came to be implicated with an allegation that Vikash gave money to Chhotan who gave it to Satyam and asked him to take the victim away. As far as petitioner no.2 is concerned, there is no specific allegation against him.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No.2 opposes the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that complaint came to be instituted after the victim came back, which casts an aspersion on the case of the prosecution.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Shikarpur P.S. Case No.887/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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