

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20971 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- DHANSOI District- Buxar

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1. Murari Kumhar Son of Late Haridas Kumhar Resident of Village- Gangapur, P.S.- Dhansoi, Distt.- Buxar
 2. Geeta Devi Wife of Murari Kumhar Resident of Village- Gangapur, P.S.- Dhansoi, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dayashankar Kumhar Son of Mahendra Kumhar Resident of Village- Gangapur, P.S.- Dhansoi, Distt.- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the Opposite Party No.2, who appeared suo motu in the present case.

2. Learned counsel for the petitioners submits that, vide order dated 16.04.2025, the bail application of petitioner No. 1 was dismissed as withdrawn. Accordingly, he is now pursuing the bail application only on behalf of petitioner No. 2.

3. The petitioner No. 2 is apprehending arrest in connection with Dhansoi P.S. Case No. 03 of 2025, dated 06.01.2025, lodged under Sections 137(2), 96 and 61(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).



4. As per the prosecution, FIR has been lodged against three named accused persons, including the present petitioner. It has been alleged that the informant saw his daughter going with petitioner No. 2, and thereafter, she did not return. It has further been alleged that the informant firmly believes that petitioner No. 2 and her son kidnapped his daughter with bad intentions.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedent of the petitioner is clean, and the POCSO Act is not applicable against the present petitioner, as it has been pleaded in the rejection order that the age of the victim is 19 years. It is further submitted that both the son of petitioner No. 2 and the victim have not returned till date.

6. Learned counsel for Opposite Party No. 2 vehemently opposes the prayer for bail and submits that it is the petitioner who is responsible for the incident, as she is the mother of the accused with whom the victim fled away.

7. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that, from the facts and circumstances, it transpires that the provisions of the POCSO Act are not attracted.

8. As such, in the present facts and circumstances of



this case, let the petitioner No. 2, namely, Geeta Devi be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Special Judge, POCSO, Buxar, in connection with Dhansoi P.S. Case No. 03 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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