

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19104 of 2025**

Arising Out of PS. Case No.-147 Year-2024 Thana- KHAIRA District- Saran

Shiva Kumar Sah @ Shiva Sah (M), aged about 23 years, S/O Late Sohan Sah R/O Vill.- Dharampur, P.S.- Khaira, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Anita Devi W/O Kahniya Sah R/O Vill.- Dharampur, P.S.- Khaira, Dist.- Saran at Chapra

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rabindra Kumar Tiwari, Advocate  
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      16-04-2025                      Heard Mr. Rabindra Kumar Tiwari, learned counsel appearing on behalf of the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Khaira P.S. Case No. 147/2024 registered for the offence(s) punishable under Sections 363, 366(A) of the Indian Penal Code and Section 6 of POCSO Act.

3. As per the allegation made in the FIR, the petitioner along with co-accused Rohit Kumar Sah had kidnapped the daughter of the informant with an intention to marry her.

4. Learned counsel appearing on behalf of the petitioner submitted that no overt act has been alleged against



the petitioner. The victim in her statement recorded under Section 164 Cr.P.C. has alleged against the co-accused Rohit Kumar Sah and the petitioner, being his own brother, has been roped in the present case. He further submitted that the victim has admitted that she remained with said Rohit Kumar Sah for one month and in absence of any allegation against the petitioner, the petitioner, who is having clean antecedent, deserves to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that allegation made in the FIR is specific against the co-accused Rohit Kumar Sah and in absence of any allegation made by the victim in her statement recorded under Section 164 Cr.P.C. against the petitioner, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Additional Sessions Judge, POSCO in connection with Khaira P.S. Case No.



147/2024, subject to the conditions as laid down under Section  
482(2) of the BNSS.

**(Purnendu Singh, J)**

Sanjay/-

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