

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21113 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- BANKA District- Banka

Shobha Devi D/o Binod Mandal @ Binda Sah R/o Village- Meharpur, P.S.
and District- Banka

... .. Petitioner

Versus

1. The State of Bihar
2. Arvind Sah S/o Late Devari Sah R/o Village- Amarpur, P.O.- Chutiya, P.S.
and Distt.- Banka.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Banka P.S. Case No. 281 of 2024 registered for the

offences under Sections 366(A) and 376 of the Indian Penal

Code.

3. The accused/petitioner is named in the First

Information Report and is in custody since 04.07.2024.

4. Allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 16 years for the

purpose of illicit intercourse/marriage with another person.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that victim, after recovery while recording her statement under section 164 of the Cr.P.C., stated that she went with the petitioner out of her own sweet-will and she was not instrumental in her kidnapping. It is submitted that she went to Bhagalpur where she was working as domestic help in a house, from where she was taken by another accused person without having any involvement of this petitioner.

6. It is submitted that being innocent lady, petitioner is in custody for about 15 months, where investigation is already completed and, as such, there is no chance of tampering with the evidence. Petitioner claims to be a lady of clean antecedent.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as statement of the victim recorded under section 164 Cr.P.C. *prima facie* negate the allegation of kidnapping qua petitioner, who is a lady of clean antecedent, coupled with the fact that



investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-6th-cum-Special Judge, POCSO, Banka/concerned court, in connection with Banka P.S. Case No. 281 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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