

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25566 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- MADHEPURA District- Madhepura

Sonu Kumar son of Manoj Yadav@ Manoj Kumar village- Nehalpatti, Ps-
Bharrahi, Dist- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Photo Devi Wife of kartik Mishra village- Nehalpatti, Ps- Bharrahi, Dist-
Madhepura

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate Mr. Manoj Kumar Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhandev Kumar, Advocate Ms. Isha Mishra, Advocate Mr. Atul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Madhepura (Bharrahi O.P.) PS. Case No-173 of 2024, dated- 22.02.2024, registered for the offences punishable under Sections 341, 323, 354A, 363, 366A/34 IPC and Section 8 of the POCSO Act.

3. As per allegation, the minor daughter of the informant has been kidnapped by the petitioner and other co-accused.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that in fact, the present FIR has been lodged on the basis of the previous occurrence itself, for which, Madhepura (Bharrahi) PS. Case No-26 of 2024 was lodged for the alleged kidnapping of the same victim. He further submits that in that previous case, the petitioner has already been enlarged on anticipatory bail vide order dated 23.10.2024 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 66110 of 2024, in which it has been clearly stated that the alleged victim is 19 years of age and as per her own statement, as recorded under Section 164 Cr.PC, she has married the petitioner. He further submits that the alleged victim is now legally wedded wife and she is living with him at her matrimonial home. The present case is nothing but persecution.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Madhepura (Bharrahi O.P.) PS. Case No-173 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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