

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25229 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MAHNAR District- Vaishali

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1. Rajwati Devi @ Ramdulari Devi Wife of Upendra Mahto Village -Hasanpur PS- Mahnar District -Vaishali at Hajipur
 2. Dharmraj Kumar Mahto @ Dharmveer Mahto son of Upendra Mahto Village -Hasanpur PS- Mahnar District -Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Kumar Singh S/o Rambali Singh Resident of Village- Hasanpur Uttari, P.S.- Mahnar, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sudha, Adv.
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP
For the Informant	:	Mr. Abhay Shankar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-07-2025 Heard learned counsel appearing on behalf of

the parties.

2. The petitioners seeks bail in connection with

Mahnar P.S. Case No. 12 of 2025 registered for the

offence under Sections 140(3), 87 of the BNS, 2023.

3. The petitioners are named in the F.I.R. and

they are in custody since 18.01.2025.

4. The allegation as per FIR, is that the minor

daughter of the informant who was student of class 10



was kidnapped by some unknown person, with whom she was friendly. Victim alleged to left house on her own for Mahnar market with her cousin namely, Moushmi Kumari.

5. Learned counsel appearing on behalf of the petitioners submitted that the victim was in love affairs with son of petitioner no. 1 and out of that she went along with him on her sweet will. It is submitted that to implicate entire family falsely with present occurrence, the statement of victim was recorded showing her confinement in the house of petitioners for long 8-10 days. It is submitted that the entire statement is based upon the tutoring of the parents. It is further submitted by learned counsel that victim refused to join medical examination in support of her allegations, which further suggest false implications. It is also pointed out that the allegations of rape is not available against petitioner no. 2 who is none but the brother of the co-accused Chhotu Kumar, with whom victim was said to be in love affairs. While concluding the argument, it is submitted that both



petitioners are of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Abhay Shankar Singh, learned counsel appearing for the informant while opposing the prayer of bail fairly conceded that allegation of kidnapping and rape is only available against co-accused namely Chhotu Kumar, who is not the petitioner for the present. It is further submitted by learned counsel for the informant that as per statement of victim these petitioners kept her confined in their house for long 8-10 days, from where she was rescued by co-villagers.

7. In view of aforesaid factual submission and by taking note of fact as prima-facie allegation of rape and kidnapping not appears available against above-named petitioners in the background of love affairs, where victim refused to join medical examination, coupled with fact that investigation of this case has already been completed



where petitioners are in custody since 18.01.2025, accordingly both above named petitioners, are directed to be released on bail in connection with Mahnar P.S. Case No. 12 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of learned District and Addl. Sessions Judge VI cum Special Judge, POCSO, Vaishali at Hajipur /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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