

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30041 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- ISUAPUR District- Saran

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1. Deepak Kumar Mishra @ Deepak Mishra Son of Hari Kishor Mishra Resident of Village - Dhanav, P.S.- Baniapur, District - Saran.
 2. Harikishor Mishra Son of Late Banaras Mishra Resident of Village - Dhanav, P.S.- Baniapur, District - Saran.
 3. Baby Devi Wife of Harikishor Mishra Resident of Village - Dhanav, P.S.- Baniapur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitesh Kumar Singh Son of Late Brahma Singh R/o Village - Gamhariya, P.S.- Isuapur, District - Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 16-05-2025 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Isuapur Police Station Case No. 266 of 2024, dated 02.12.2024, disclosing offences under Sections 137(2)/96 of the Bhartiya Nyaya Sanhita.



3. The prosecution case, as per the First Information Report, is that on 14.11.2024, at about 07:00 PM, the informant's sister, namely, Poonam Kumari, aged about 17 years 10 months, went to attend nature's call and when she did not return after long time, the informant and his family members started searching her. In the meanwhile, they got information that the petitioner no. 1, who is professionally driver, has taken her away on motorcycle. When the informant and his family members went to the house of the petitioners to enquiry about the same, the informant and his family members abused and assaulted by the petitioner nos. 2 and 3 and other family members. It has further been alleged that informant believes that her minor sister has been kidnapped by the petitioner no. 1 and other petitioners and their family members have helped him.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged they have falsely been implicated in the present case out of grudge and village politics. There is delay of 18 days in lodging the First Information Report without any proper explanation which shows that the



prosecution story is false and concocted one. He next submits that victim girl, in the statement recorded under Section 180 of the Bhartiya Nagrik Suraksha Sanhita, 2023, has disclosed her age as 18 years and has stated that on the date of occurrence she had herself gone to her Nanihal (maternal home) in Assam. He further submits that the victim girl was in love relationship with the petitioner no. 1 and therefore, both the petitioner no. 1 and the informant's sister has performed marriage in a temple on 09.01.2025 and the notice of their marriage has been published through notary public, as would be evident from Annexure-2.

5. I have heard learned counsel for the parties and have gone through the materials available on record, including the impugned order.
6. From perusal of the impugned order, it appears that the victim girl is minor aged about 17 years 10 months and 13 days on the date of occurrence as would be evident from her school certificate, the minor victim girl in her re-statement contained in paragraph-2 of the case diary and in her statement recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita, 2023, has supported



the prosecution story and has stated that the petitioner no. 1 has forcefully established physical relationship and the petitioner nos. 2 and 3 have helped him in the same.

7. Considering the aforesaid, I am not inclined to grant anticipatory bail to the petitioner no. 1.

8. This application in respect of petitioner no. 1 is, accordingly, rejected.

9. Insofar as petitioner nos. 2 and 3 are concerned, they are the father and mother of the petitioner no. 1 and no specific allegation of sexual assault has been alleged against them, accordingly, I am inclined to grant privilege of anticipatory bail to the petitioner nos. 2 and 3.

10. This application in respect of petitioner nos. 2 and 3 is allowed.

11. Let the petitioner nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Additional Judge POCSO, Saran at Chapra, in connection with Isuapur Police Station Case No. 266 of 2024, subject to the condition laid down



under Section 482 (2) of the Bhartiya Nagrik Suraksha
Sanhita, 2023.

(Anil Kumar Sinha, J)

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