

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30082 of 2025

Arising Out of PS. Case No.-261 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

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1. Anil Kumar @ Anil Bari S/o Shubhkaran Bari R/o Village- Tihaw3ali, P.S.- Ramgadh, District- Sikar, Rajasthan
 2. Daulat Kumar S/o Sangilal Mahto @ Rangeelal Mahto R/o Village- Panchpatara, P.S.- Rivilganj, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Mahato S/o Rajgir Mahto R/o Village- Ekara, P.S.- Kazipur, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate.
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

3 10-07-2025 Heard learned Counsel for the petitioners and

learned A.P.P for the State.

2. The petitioners seek regular bail in a case registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and Section 4/6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

3. As per the prosecution case, the informant has alleged that his daughter, aged about 16 years, had gone to attend Ashtyam and did not return. Subsequently, it has been alleged that the informant used to talk to her on mobile but after sometime, he was not able to talk to her daughter and he had apprehension of his daughter being kidnapped with the intention of marriage. The informant finally lodged the FIR alleging that his daughter had been kidnapped by some unknown persons.

4. Learned counsel for the petitioners have submitted



that the petitioners are innocent and have falsely been implicated in the present case and admittedly, he was not named in the FIR. It is further stated that there was a delay of more than three months in lodging of the FIR, which goes to show that the informant was aware that her daughter had gone out of her own sweet-will. He next submits that the victim had herself filed a petition before the learned court below stating herself to be a major and also stating therein that she had married with the petitioner no. 01 out of her own free-will and had also stated that it was the mistake of the fact that she was kidnapped and she had opined that she is not interested to carry forward the case any further. It has lastly been submitted that the petitioners have no criminal antecedents and is in custody since 30.12.2024.

5. Learned counsel for the informant has stated that the parties have already compromised and the victim girl has been married to the petitioner no. 01 and at present, she is residing with her parents. Learned APP for the state opposed the prayer for bail of the petitioners and submitted that the case involves abduction of a minor girl.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the victim girl



herself has filed a petition before the learned court below stating herself to be major and also the fact that she had married to the petitioner no. 01, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Hajipur in connection with Hajipur Sadar P.S. Case No. 261 of 2024, subject to the following conditions:-

- (i) One of the bailors will be close relative of the petitioners.*
- (ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.*
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.*
- (iv) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioner have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.*

(Sourendra Pandey, J)

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