

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32702 of 2025

Arising Out of PS. Case No.-457 Year-2024 Thana- KAHALGAON District- Bhagalpur

1. Girdhari Mahto, S/o- Late Jamuna Mahto Resident of Mohalla- Sadanandpur Basia, Police Station- Kahalgaon, Dist- Bhagalpur
2. Chanda Devi @ Chandana Devi W/o- Girdhari Mahto Resident of Mohalla- Sadanandpur Basia Police Station- Kahalgaon, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pachiya Devi W/o- Chamak Lal Uraon Moh- Sadanandpur Basia P.S.- Kahalgaon Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kahalgaon P.S. Case No. 457 of 2024, POCSO Case No. 224 of 2024, instituted under Sections 96, 3(5) of the Bharatiya Nyaya Sanhita, 2023 corresponding to Section 366(A)/34 of the Indian Penal Code.

3. As per the prosecution case, co-accused Abhishek Mahto @ Babwa Mahto had abducted the daughter of the informant for the purpose of marriage. Petitioners are parents of of co-accused Abhishek Mahto @ Babua Mahto.



4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case being parents of the co-accused Abhishek Mahto. There is no material against the petitioners. Son of the petitioners, namely Abhishek Mahto was arrested who was juvenile and has already been acquitted by the learned Principal Magistrate, J.J. Board, Bhagalpur. During course of investigation, no material has come against the petitioners. Age of the victim girl has been assessed by the Doctor between 17-19 years. The victim in her statement recorded under Section 164 Cr.P.C. has stated that she with her sweet-will had gone with the co-accused, Abhishek Matho. Petitioners have no criminal antecedent. They undertake to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (POCSO)-cum-VIIth District & Additional



Sessions Judge, Bhagalpur in connection with Kahalgaon P.S.
Case No. 457 of 2024, POCSO Case No. 224 of 2024, subject to
the conditions laid down in Section 482 (2) of the Bharatiya
Nagrik Suraksha Sanhita (B.N.S.S.), 2023.

(Sunil Dutta Mishra, J.)

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