

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32176 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- Bharatkhand District- Khagaria

1. Buchchar Mahto @ Bachchu Mahto S/o Late Kailash Mahto R/o Village- Budhnagar, PS- Bharatkhand, Distt- Khagaria
2. Abhishek Kumar S/o Sushil Mahto R/o Village- Budhnagar, PS- Bharatkhand, Distt- Khagaria
3. Nitish Kumar S/o Brahmdeo Mahto R/o Village- Budhnagar, PS- Bharatkhand, Distt- Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. M. Ashraf, Sr. Advocate
Mr. Rana Hason, Advocate
Ms. Homa Yunus, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned senior counsel for the petitioners and
learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Bharatkhand P.S. Case No. 05 of 2024 registered for the alleged offence under Sections 366A, 34 of the Indian Penal Code.

03. As per prosecution case, minor daughter of the informant enticed away by co-accused Satyam Kumar and the petitioners are stated to have helped him in his wrongful act.

04. Learned senior counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in



this case. The statement of the victim girl was recorded under Section 164 Cr.P.C. and she categorically stated that she left her house out of her free will and went with co-accused Satyam Kumar and solemnized marriage with him. Thereafter, both of them went to Delhi and stayed there for two months and from there to Odisha where also they stayed for two months. Learned senior counsel further submits that the petitioners are villagers/neighbours of co-accused-Satyam Kumar and they have no concern with the acts of co-accused-Satyam Kumar. The said co-accused Satyam Kumar has been granted anticipatory bail by the learned Co-ordinate Bench vide order dated 02.04.2025 passed in Criminal Misc. No. 16249 of 2025 . The petitioners are having clean antecedent.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague and doubtful nature of allegation against the petitioner with possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/court concerned in connection with Bharatkhand P.S. Case No. 05 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be a 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.

(Arun Kumar Jha, J)

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