

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35358 of 2025

Arising Out of PS. Case No.-1308 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Bisekha Devi @ Vishekha Devi W/o Manohar Badhai R/o vill - Kahra, ward
no. 6, P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar S/o Late Chhattu Sada R/o vill - Birwar, P.S.- Mahishi,
Distt.- Saharsa, at present ward no. 6/40, Paswan tola, south of murhi mill,
P.S. - Saharsa, Distt.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending her arrest in
connection with Saharsa Sadar P.S. Case No. 1308 of 2024 for
the offence under Sections 137(2) and 87 of the BNS.

3. As per the prosecution story, the informant namely,
Santosh Kumar has alleged that on 27.11.2024, when his wife
went to their daughter's room, she found it locked from the
inside. Upon opening the window, they came to know that their
daughter was missing. He further raised suspicion that his
daughter had been kidnapped by one *Mahapurushn Kumar* (the
petitioner's son) being in collusion with her mother.



4. Learned counsel for the petitioner submits that the petitioner is innocent and she has committed no offence rather she has falsely been implicated in this case due to ulterior motive of the informant. From perusal of the F.I.R. itself, it would appear that the petitioner is next door neighbour of the informant and he suspected only that the family members of *Mahapurush Kumar* helped for kidnapping his minor girl. It is further submitted that petitioner is not named in the F.I.R. and during the course of investigation, her name surfaced in this case. The petitioner is mother of *Mahapurush Kumar* and she is totally unaware of the incident and due to inimical terms she has been implicated in this case.

5. Learned APP opposes the prayer for bail.

6. During course of the investigation, the victim minor girl has been recovered and she has given her statement under Section 183 of BNSS. In her statement, she alleged that the petitioner had offered sweets and after consuming the same, she became unconscious. She later found herself at Delhi. As noted in paragraph 45 of the case diary, the allegations under Sections 4 and 6 of the POCSO Act against the petitioner and her son have been found to be true. Investigation is still going on.

7. In these circumstances, I am not persuaded to grant



the privilege of anticipatory bail to the petitioner. Accordingly,
the prayer of anticipatory bail of the petitioner stands **rejected**.

8. However, if the petitioner surrenders and prays for
regular bail, the same shall be considered by the Court below on
its own merit, without being prejudiced by this order.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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