

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35923 of 2025

Arising Out of PS. Case No.-595 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Kushum Devi W/o Lalbabu Sharma R/o Vill- Hariharpur Lalgarh, Phulwari Tola, P.S.- G.B. Nagar, Tarwara, Distt- Siwan
 2. Lalbabu Sharma S/o Srikishun Sharma R/o Vill- Hariharpur Lalgarh, Phulwari Tola, P.S.- G.B. Nagar, Distt- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bimla Devi W/o Rajbanshi Singh R/o Vill- Hariharpur Lalgarh, Phulwari Tola, P.S.- G.B. Nagar, Tarwara, Distt- Siwan

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with G.B. Nagar P.S. Case No. 595 of 2024 registered for the offence punishable under Section 137(2)/ 87 of B.N.S., 2023.

3. As per prosecution case, co-accused Shivam Kumar is said to have taken away the informant's daughter on motorcycle with intention to marriage. It is alleged that petitioners and other assisted in the said occurrence.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR. He further submits that petitioners being parents of co-accused Shivam Kumar have falsely been implicated in this case. Petitioners have nothing to do with the alleged occurrence. Pragmatically and prudently it is unbelievable that parents would assist co-accused Shivam Kumar to take away the informant's daughter. He further submits that victim *suo motu* fled away with co-accused Shivam Kumar. Learned counsel orally submits that co-accused Shivam Kumar is already in jail custody. He further submits that victim was recovered and she was examined by the doctor and her age was found between 17 to 20 years and there is no evidence of sexual assault. He further submits that alleged occurrence took place on 17.11.2024 and FIR was registered on 22.11.2024 but no explanation has been given in the FIR regarding the said delay. Apart from that, petitioners have no criminal antecedent. It has been orally submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Siwan in connection with G.B. Nagar P.S. Case No. 595 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Alok Kumar Pandey, J)

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