

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37461 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- NARPATGANJ District- Araria

1. Manjesh Yadav @ Pawan Kumar Yadav, S/O Ramanand Yadav, aged about 24 years, Male, R/O Village- Hanuman Nagar, P.S- Fulkaha, Distt.- Araria.
2. Anjali Kumari, W/O Manjesh Yadav @ Pawan Kumar Yadav, D/O Raj Kumar Yadav, aged about 20 years, Female, R/O Village- Posdaha, Ward No. 09, P.S- Narpatganj, Dist.- Araria. Presently residing at Village- Hanuman Nagar, P.S- Fulkaha, Dist.- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

02-07-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Narpatganj P.S. Case No. 55 of 2025 dated 12.02.2025 registered for the offences punishable under Sections 137 (2) and 96 of the B.N.S. 2023 corresponding to Sections 363 and 366A of the I.P.C.

3. As per the prosecution case, on 07.02.2025 at about 7.00 P.M., Anjali Kumari (petitioner no. 2) came and took the minor daughter of the informant towards west canal for attending the call of nature where Mithilesh Kumar Yadav saw that the co-accused Sonu Kumar Yadav and Shambhu Kumar riding on a motorcycle were fleeing away with the victim by covering her with the shawl and



Manjesh Yadav (petitioner no. 1) one of three persons riding on another motorcycle were also fleeing away behind the first motorcycle. Other two persons were not identified by him. When her daughter did not return, the informant went to the house of Anjali Kumari (petitioner no. 2) and inquired into the matter then she said that her daughter went to her house. It is further alleged that when Mithilesh Kumar Yadav told about the incident, the informant and others went to the house of Sonu Kumar Yadav then his mother said that Sonu Kumar Yadav, Manjesh Yadav (petitioner no. 1) and Sintu Yadav went altogether outside and they have not returned till now. When the informant told that his daughter was kidnapped by them then her mother said that her daughter would return her house till morning. The informant believed that his daughter was kidnapped by the aforesaid accused persons in a conspiracy.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the occurrence took place on 07.02.2025 and the F.I.R. has been lodged on 12.02.2025 after a delay of five days and for which no explanation has been given by the prosecution. The petitioner no. 1 is the husband and the petitioner no. 2 is his wife. It is further submitted that there was love affair between the victim and the co-accused Sonu Kumar Yadav. The petitioner no. 1 is a resident of different village and the petitioner no. 2 is the same resident of village of the informant. There is boundary



dispute between the informant and the petitioner no. 2. The informant in order to pressurize them in land dispute, dragged her name in the instant case and since marriage of the petitioner no. 2 was fixed on 17.02.2025 with the petitioner no. 1 and only with an intention to disturb their marriage, the petitioner no. 1 has also been dragged in the present case. The victim in her statement recorded under Section 183 of B.N.S.S., has stated that she was kidnapped by the co-accused Sonu Kumar Yadav, Shambhu Yadav and Manjesh Yadav (petitioner no. 1) and the co-accused Sonu Kumar Yadav after marrying took the victim to Nepal and she was recovered by her family members from Nepal on 19.02.2025 but the victim has not raised any alarm while she was being taken by the aforesaid accused persons and Mithilesh Kumar Yadav tried to stop them. As per the statement, the victim has not stated anything with regard to sexual assault. The petitioner no. 1 has one criminal antecedent in which he is on bail and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the



satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, Araria or his successor in connection with Narpatganj P.S. Case No. 55 of 2025, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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