

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39621 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Pramila Devi W/O Suresh Mahto
 2. Suresh Mahto S/O Late Rajendra Mahto
 3. Rahul Kumar S/O Suresh Mahto
- All are R/O Village- Rahimpur Rudauli, PS- Samastipur Muffasil, District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar S/O Bishundeo Rai R/O Village- Rahimpur Rudauli, PS-
Samastipur Muffasil, District-Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshansh Shanker, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

Mr. Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-10-2025

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Samastipur Muffasil P.S. Case no.130 of 2025 registered for the offence punishable under sections 74, 137(2), 140(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant states that in course of going out of the house his minor daughter was being troubled by Rohit Kumar, Rahul Kumar and Guddu



Kumar which she reported from time to time. However, as a result of fear, the informant kept silent. Thereafter the informant states that on the informant going and complaining before the parents of Rohit ie the petitioner nos.1 and 2 herein, he was threatened that they will lodge a case under the S.C. and S.T. Act. It is stated that on 16.3.2025, his minor daughter who had gone out did not return and her mobile phone was found to be switched off. On going near the house of Rohit Kumar to enquire about her, he was abused by the petitioner nos.1 and 2. The informant states that he is convinced that the accused persons had taken her away with ill intention.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The son of petitioner nos.1 and 2 herein namely Rohit Kumar and the daughter of the informant were on friendly terms and had eloped. Though she is over 18 years of age, however, as per her age recorded in the certificate, on the date of occurrence, she was 17 years 3 months 8 days as noted in the order of the learned Court below. It is further submitted that the allegation of abuse and threats etc. given by the petitioner nos.1 and 2 are all false and concocted. Even the allegations of the petitioner no.3 along with Rohit Kumar having teased the daughter of the



informant as levelled in the first part of the FIR is also incorrect and it is for this reason that in the later part of the FIR, reference is only made to the petitioner nos.1 and 2 as the parents of Rohit Kumar. The petitioners have no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that besides the petitioners being named in the FIR, there is direct allegation against them of having participated in the disappearance of the minor daughter of the informant who has still not been recovered. It is further submitted that even a sanha has been lodged by the petitioner no.1 against the informant, a copy of which has been brought on record as Annexure-2 to the petition. Bail not be granted till the recovery of the minor daughter of the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioners in the FIR, the submissions made specially with respect to the friendship of Rohit Kumar with the informant's daughter, both of them having eloped together and the petitioners not having any criminal antecedent, it is directed that all the three petitioners, above named, in the event of their arrest or



surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Samastipur Muffasil P.S. Case no.130 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Court (POCSO), Samastipur.

(Partha Sarthy, J)

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