

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38056 of 2025

Arising Out of PS. Case No.-135 Year-2024 Thana- BALTHAR District- West Champaran

1. Jitendra Sah @ Gurchan Sah @ Gudchan Sah, S/O Late Bijali Sah, R/O Vill.- Awasanpur, P.S.- Balthar, District- West Champaran
2. Saroj Devi, W/O Jitendra Sah @ Gurchan Sah @ Gudchan Sah, R/O Vill.- Awasanpur, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX S/O Gudar Patel R/O Vill.- Awasanpur, P.S.- Balthar, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Md. Shakir Ahmad, APP
For the Opp. Party No.2 : Mr. Krishna Kant Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-10-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Balthar P.S. Case No. 135 of 2024 registered for the offences punishable under Sections 137(2), 140(3), 96, 3(5) of the Bharatiya Nyaya Sanhita, 2023. However, later on Section 64 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8/12 of the Prevention of Children from Sexual Offences Act have been added.

3. Allegedly the accused persons forcibly took away the minor daughter of the informant for the purpose of marriage.

4. Learned Advocate for the petitioners submitted that



the alleged occurrence took place on 20.12.2024, but the present F.I.R. came to be instituted on 27.12.2024 without there being any explanation of delay. During the course of investigation, the victim was also recovered and her statement was recorded under Section 183 of the BNSS, 2023 where she did not even take the name of the petitioners. The entire allegations revolves around co-accused Rahul Kumar, who has been granted regular bail by a coordinate Bench of this Court vide order dated 06.08.2025 in Cr. Misc. No. 16046 of 2025, taking note of the deposition of the victim, who did not even support the prosecution case.

5. On notice, opposite party no.2 entered his appearance through his lawyer Mr. Krishna Kant Pandey, who has also reiterated the aforesaid submissions.

6. Learned APP for the State, however, opposed the bail application.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the statement of the victim recorded under Section 183 of the BNSS, 2023 where she has not made any allegation against the petitioners, coupled with their fair antecedent and the factum of grant of bail in favour of co-accused Rahul Kumar, let the petitioners, named above, in the event of their arrest or



surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VII-cum-Special Judge POCSO, Bettiah, West Champaran in connection with Balthar P.S. Case No. 135 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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