

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38794 of 2025

Arising Out of PS. Case No.-96 Year-2024 Thana- GHOGHARDIHA District- Madhubani

Daya Shankar Mahto S/o Dukhi Mahto Village- Pipra Kamalpur (Alola), PS-
Ghoghardiha, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi W/o Hareram Mahto Village- Pipra Kamalpur (Alola), PS-
Ghoghardiha, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.
Mr. Ravi Prakash
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 09-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in
Ghoghardiha P.S. Case No. 96 of 2024 initially registered under
Sections 137, 96, 3(5) of B.N.S. and later on, 137(2) of B.N.S.
as well as 4/6 of POCSO Act was also added.

3. Allegedly, the petitioner with the help of other co-
accused persons enticed away the daughter of the informant.

4. It has been submitted on behalf of the petitioner that
the informant herself has stated the age of her daughter as 18
years. She has stated that her daughter had love and affection
with the petitioner who enticed away her daughter. According to



medical report, the age of the victim is 19 years and according to matriculation certificate, her age is 17 years five months and 18 days. Learned counsel has also submitted that in her statement recorded under Section 183 of BNSS, the victim herself has stated that she had love and affection with the petitioner. Learned counsel has also submitted that even the age of the matriculation certificate is taken into account, the victim is on the verge of majority.

5. On the otherhand, learned counsel for the informant has opposed the prayer for anticipatory bail by submitting that the petitioner enticed away the minor daughter of the informant. Learned APP has opposed the prayer for anticipatory bail.

6. According to statement of the informant, the age of the victim is 18 years. According to the medical report, she is aged about 19 years. She in her statement has stated that she had love and affection with the petitioner and she went with the petitioner according to her own sweet will.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 96 of 2024 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of BNSS, 2023.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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