

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39770 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- NAUTAN District- West Champaran

Rani Kumari D/O- Bhagwat Prasad Resident of Village- Dhum
Nagar,Dhuswa Tola, Ward No. 07, P.S.- Nautan, Distt.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Shiv Shankar Prasad Resident of Village-
Dhumnagar, Dhuswa Tola Ward No. 07, P.s.- Nautan, Distt.-West
Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the State	:	Mr. Upendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Sarvesh Kashyap, APP
		Ms. Kumari Akansha Rai, Advocate
		Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 15-10-2025 Heard the learned counsel for the petitioner, learned
counsel for the informant / O.P. No.2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in a case
registered for the offences punishable under Sections 137(2), 96,
351(2), 27, 3(5) of the B.N.S.S. 2023 read with Sections 4, 8
and 17 of the POCSO Act.

3. According to prosecution case, the informant,
Rakesh Kumar, reported that his neighbour Rani Kumari often
visited his house to speak with his daughter, Guriya Kumari. On
10.04.2025, around 5:00 AM, Sahab Kumar @ Manish Kumar
allegedly kidnapped Guriya while she was walking near her



home, with the help of Rahul Kumar and Raja Kumar, who were on motorcycles. When Rakesh informed Sahab Kumar's family, Rani Kumari and others, Rohit Kumar, Rajnish Kumar, Nanti Devi, and Bhagat Prasad abused, assaulted, and threatened him. The informant alleged that Sahab Kumar kidnapped his daughter to marry her, with Rani Kumari as the main instigator, and requested legal action.

4. Learned counsel for the petitioner submits that the petitioner has been implicated in the present case merely on the basis of facts that she is the sister of Sahab Kumar @ Manish Kumar against whom there is a specific allegation in this case for kidnapping the victim girl. It has next been submitted that the victim girl has given her statement before the Magistrate under Section 183 of the B.N.S.S. and from the statement so recorded, there is no imputation against this petitioner.

5. On the other hand, learned APP for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail application and learned counsel for the informant submits that it is only this petitioner, who was the mastermind of this entire kidnapping episode, therefore, no leniency should be given to the prayer of the anticipatory bail application of the petitioner, against whom the victim girl has



made such imputation and is said to be the sister of Sahab Kumar @ Manish Kumar,

6. Further, the learned counsel for the informant has taken this Court to paragraph 66 of the case dairy to buttress her statement to show his complicity in the present case. From perusal of the statement, it does not appear that any overt act or any complicity in kidnapping is lodged by the victim girl though on facts, it is admitted that all these persons who have been named have been granted bail by the Special Judge, POCSO.

7. Considering the aforesaid facts and circumstances that there is no specific allegation against this petitioner showing complicity in the alleged offence, save and except being known to the victim girl and was in contact with her before the alleged occurrence, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned D.A.S.J.-VI-cum-Special Judge POCSO, Bettiah, West Champaran in connection with Nautan



P.S. Case No. 167 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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