

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42236 of 2025

Arising Out of PS. Case No.-118 Year-2025 Thana- JOGAPATTI District- West Champaran

1. Vijay Mahto @ Vijay Kumar Son of Sarwan Mahto R/O Village - Jaitiya Noniya Tola, P.S.- Chanpatiya, District - West Champaran.
2. Sohan Mahto Son of Late Nanhku Mahto R/O Village - Jaitiya Noniya Tola, P.S.- Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Late Magar Mahto (Symbolic name of the Father of the so called victim), R/O Village - Jaitiya Noniya Tola, P.S.- Chanpatiya, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-07-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 137(2), 87, 126(2), 115(2), 3(5) of the BNS Act & Section 4 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and against petitioner no.2 one criminal complaint case was instituted. The learned counsel submits that informant alleges that Pradeep, Sohan and Vijay earlier kidnapped his minor daughter aged



about 15 years for the purposes of marriage and even committed wrong act with the victim girl, for which a panchayati was held and the matter was compromised, later the informant sent his daughter to reside with his elder daughter, where on 24.02.2025 at 7.00 P.M. in the evening, when the victim went to attend the call of nature, when Pradeep and Sujit came and kidnapped the victim girl and fled away, accordingly, the informant went to the house of accused Pradeep to make inquiry when family members of accused Pradeep namely Sohan, Vijay, Amod, Shravan, Chanda, Meena abused him and threatened not to institute any case. It is next alleged that 13 days after the occurrence, the accused persons left the victim near Chanpatiya P.S. and fled away.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is next submitted that petitioners have no concern with Pradeep but they came to be implicated in the instant case as petitioner no.2 is father of Sujit and petitioner no.1 is cousin brother of Sujit. It is next submitted that Pradeep and the victim were in love and they eloped but since Sujit is friend of Pradeep, as such, the entire family members of Sujit also came to be implicated. It is also submitted that in order to give seriousness



to the case, the informant in the first part of the FIR falsely alleges that earlier Pradeep, Sohan and Vijay kidnapped the victim for the purposes of marriage. It is next submitted that the date of occurrence is 24.02.2025 and the FIR came to be instituted on 09.03.2025 i.e. after the victim returned which further casts an aspersion on the case of the prosecution. It is submitted that had the victim been kidnapped in that event the informant would have rushed to the P.S. for instituting an FIR. It is next submitted that statement of the victim was recorded under section 180 and 183 of the B.N.S.S., wherein she has stated that Pradeep took her to different places and forcibly established physical relation and against the accused persons, it is alleged that they facilitated Pradeep in kidnapping the victim.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 trial court where the



case is pending/successor court in connection with Yogapatti
P.S. Case No.118/2025, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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