

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46844 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- SAKATPUR District- Darbhanga

1. Udgar Mukhiya @ Ram Udgar Mukhiya S/o Ravi Mukhiya R/o Vill- Dewana, Thengaha, PS.-Sakat Pur, District- Darbhanga 847405 Bihar
2. Rajendra Mukhiya S/o Malahu Mukhiya R/o vill - Dewana, Thengaha, P.S.- Sakat Pur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-10-2025 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 under Sections 137(2) & 87 of the B.N.S., 2023.

3. The informant, namely Ramvilas Yadav, alleged that on 15.03.2025, all the F.I.R. named accused persons including petitioners entered his house and forcibly kidnapped his minor granddaughter for unlawful purpose.

4. Learned counsel for the petitioners contends that petitioners are innocent and have been falsely implicated in this case. As a matter of fact, there was love-affairs between co-



accused Pankaj Kumar Mukhiya and the victim. These petitioners are not related with co-accused Pankaj Kumar Mukhiya, rather they are co-villagers, however, they have been implicated in this case. The victim, in her statement recorded under Section 183 B.N.S.S., has denied the factum of kidnapping and categorically stated that she was in love with co-accused Pankaj Kumar Mukhiya and as such, she left her house at her own volition and went with co-accused Pankaj Kumar Mukhiya to Delhi and solemnized marriage with him in a temple. The learned Trial Court has assessed the age of the victim, as 17 years. Learned counsel for the petitioner, relying on an order of the Division Bench of this Court dated 23.09.2010 in *Cr.W.J.C. No. 991 of 2010 (Sahebi Khatoon @ Sahebi Versus State of Bihar and other)*, submits that this Court has directed *to treat a girl as major in case her age assessed to be between 16 to 17 years.*

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the statement of the victim recorded under Section 183 B.N.S.S. and the law laid down by this Court, the prayer for anticipatory bail of petitioners is allowed.

7. Accordingly, in the event of arrest/surrender before



the Court below within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Sakatpur P.S. Case No. 29 of 2025, subject to condition as laid down under Section 482 of the B.N.S.S., 2023.

(Prabhat Kumar Singh, J)

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