

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50188 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- BANGAWON District- Saharsa

1. Ashish Khan @ Ashish Kumar Khan S/o Shyam Chandra Khan R/o Village- Bangaun, Ward no 06, Puwari Tola, PS- Bangaun, Distt- Saharsha
2. Tunni Devi W/o Shyam Chandra Khan R/o Village- Bangaun, Ward no 06, Puwari Tola, PS- Bangaun, Distt- Saharsha
3. Shyam Chandra Khan S/o Chandra Nath Khan R/o Village- Bangaun, Ward no 06, Puwari Tola, PS- Bangaun, Distt- Saharsha

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/o Bhagwan Ji Jha Ro vill - Bangaun, Puwari Tola, ward no. 5, P.s. - Bangaun, Distt.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners as well as
counsel for the respondent-State.

2. This is the first anticipatory bail application preferred by the petitioners to apprehend their arrest in connection with Bangaun P.S. Case No. 73 of 2024 registered for the offences punishable under Section 447, 363, 366(A), 379, 504, 506 and 34 of the Indian Penal Code and Section 4 and 18 of the POCSO Act.

3. According to the case of prosecution, at the time of incident the age of the victim girl was below 16 years, allegedly



on 14.06.2024 morning, it was found that the girl was missing from her house, mother of the girl lodged a report against the present applicants alleging therein that they have abducted the girl. Subsequently, on 24.07.2024 the victim girl came before the police and recorded her statement.

4. Learned counsel for the petitioners submits that the petitioners are innocent and are falsely implicated in this case. He further submits that in her statement recorded under Section 161 Cr.P.C. the girl stated that she herself left her house and has gone to Patna and then Haryana with her friend. Thus, it is quite clear that petitioners are not the persons who abducted or kidnapped the girl. He further submits that both the parties have already settled their matter out of the court and the respondent no. 2 i.e. mother of the victim girl/informant of the case has also no objection for grant of anticipatory bail to the petitioners. Therefore, he prays that on these grounds, they may be granted benefit of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that since the age of the victim girl was below 16 years therefore, the applicants are not entitled to get any relief. However, counsel for the respondent no. 2 i.e. informant supported the contention made by the counsel for the



petitioners.

6. Considering the submissions put forth by counsel for the petitioners as well as counsel for the respondent no. 2 and further considering the statement recorded under Section 161 Cr.P.C. of the victim girl, without further commenting on the other merits of the case, I am of the view that the petitioners should be granted the benefit of anticipatory bail. Accordingly, the petition is allowed. The petitioners are directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ADJ-VI – Cum Special Judge (POCSO), Saharsa in connection with Bangaun P.S. Case No. 73 of 2024 subject to the conditions as laid down under Section 482 of the Bharatiya Nagarik Suraksha Sanhita.

(Arvind Singh Chandel , J)

Siddharth Soni/-

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