

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53904 of 2025

Arising Out of PS. Case No.-233 Year-2022 Thana- GWALPARA District- Madhepura

Sarita Devi W/o Jangbahadur Mahto R/o Village- Jhalari Ward No. 04, P.S.-
Gwalpara, District- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. X R/O-Jhalari ,Ward No.-03 , P.S.-Gwalpara, Dist-Madhepura

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Notice as issued by this Court to the

informant/O.P. No. 2 was personally received. Accordingly,

same deemed validly served upon the informant/O.P. No. 2.

3. The accused/petitioner seeks bail in connection

with Gawalpara P.S. Case No. 233 of 2022 registered for the

offences under Sections 365, 366 of the Indian Penal Code.

4. The accused/petitioner is named in the First

Information Report and is in custody since 28.03.2025.

5. Allegation against the petitioner is to kidnap the

minor daughter of the informant aged about 17 years for the



purpose of marriage with another person.

6. It is submitted by learned counsel appearing on behalf of the petitioner that present occurrence took place on 04.10.2022 for which FIR was lodged on 27.11.2022 i.e. with a delay of about 50 days without any just explanation.

7. It is submitted that the marriage of victim was solemnized with knowledge of the informant where the petitioner was the mediator who helped in the negotiation of marriage, but as the marriage of daughter of the informant started to face some problem, thereafter the present false case was lodged against this petitioner. It is pointed out that after recovery victim categorically stated that her marriage was solemnized with one Monu Kumar.

8. While concluding argument, it is submitted that petitioner is a lady of clean antecedent and, moreover, investigation of this case is already completed for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



10. In view of aforesaid factual submission and by taking note of the fact as *prima facie* the thrust of allegation *qua* penetrative sexual assault is available against co-accused Monu Kumar, where this petitioner implicated out of acquaintance, coupled with the fact that investigation of this case is already completed, where petitioner being lady of clean antecedent remains in custody since 28.03.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Special Judge, POCSO, Madhepura/concerned court, in connection with Gawalpara P.S. Case No. 233 of 2022, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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