

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59456 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- BARBIGHA District- Sheikhpura

1. ASHISH KUMAR S/O GANESH MALAKAR RESIDENT OF VILLAGE - BIRNAMA, P.S.- KASHICHAK, DISTRICT- NAWADA
2. KANCHAN DEVI W/O PAPPU MALAKAR RESIDENT OF VILLAGE - BIRNAMA, P.S. KASHICHAK, DISTRICT- NAWADA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. XYZ S/O RAMOTAR ROUT R/O VILL.- MALDAH, P.S.- BARBIGHA, DIST.- SHEIKHPURA.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Sheo Nandan Prasad, Advocate
Mr. Rajnish Kumar, Advocate

For the State : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-11-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 96 and 3(5) of the B.N.S. and Section 8 of the POCSO Act.

3. As per prosecution case, it is alleged that on 22.05.2028, all the F.I.R. named accused persons, including these petitioners, kidnapped the minor daughter of informant for the purpose of marriage.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and



have committed no offence. As a matter of fact, during course of investigation, the victim was recovered and in her statement recorded under Section 183 of the B.N.S.S. she has denied the *factum* of kidnapping and has specifically stated that she, out of her own sweet will, left her parental house and has already solemnized marriage with Petitioner No. 1. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, nature of accusation, statement of the victim recorded under Section 183 of the B.N.S.S. and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 Additional District and Sessions Judge-VI-cum-Special Court POCSO Act, Sheikhpura in connection with Barbigha P.S. Case No. 116 of



2025, subject to condition as laid down under Section 482(2) of
the B.N.S.S..

(Prabhat Kumar Singh, J)

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