

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65100 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- BARGAINIA District- Sitamarhi

1. Bhola Mahto S/o Late Ram Vilas Mahto R/o Village - Bhakurahar, P.S - Bairgania, District - Sitamarhi
2. Navin Kumar S/o Bhola Mahto R/o Village - Bhakurahar, P.S - Bairgania, District - Sitamarhi
3. Raja Kumar @ Raju Kumar S/o Bhola Mahto R/o Village - Bhakurahar, P.S - Bairgania, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi W/o Devi Lal Mahto R/o Village - Bharkurahar, Ward No. -17, P.S - Bairgania, District - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 140 (3) , 96, 126 (2), 115 (2), 76, 351 (2) and 3 (5) of the BNS and 8 and 12 of POCSO Act.

3 . As per the prosecution case , informant namely , Rinku devi alleged that on 10.09.2024 at about 7:00 PM ,



daughter of informant went to attend nature 's call but did not return . Upon search , informant came to know that co-accused Rohit Kumar kidnapped her daughter and he was also lastly seen with her daughter on motorcycle . When informant and others had gone to make complain regarding the aforesaid incident, then accused persons abused and assaulted informant.

4. It is submitted on behalf of the petitioners that specific accusation kidnapping the daughter of informant is against co-accused Rohit Kumar. It is not the case of the informant that these petitioners assisted co-accused Rohit Kumar in the commission of the alleged offence . Petitioners have been made accused in this case because they happen to be pattidars of Rohit Kumar and they have got no concern with the alleged occurrence . F.I.R. has been lodged after the delay of 6 days which itself creates doubt over the veracity of the entire prosecution case . Petitioners claim clean antecedent.

5 . Learned counsel for the State oppose the bail petition .

6 Considering the delay in lodging the F.I.R. , clean antecedent of these petitioners and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, 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 the learned Additional session Judge VI cum special Judge (POCSO Act) in connection with Bairgania P.S. Case No. 239 of 2024 , subject to the conditions laid down under section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) , 2023 .

(Prabhat Kumar Singh, J)

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