

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63299 of 2025

Arising Out of PS. Case No.-90 Year-2023 Thana- CHAUTHAM District- Khagaria

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1. Sumit Kumar S/o- Sajjan Singh Village- Sonvarsha Ghat Ps- Chautham Dist- Khagaria
 2. Raushan Kumar S/o- Sajjan Singh Village- Sonvarsha Ghat Ps- Chautham Dist- Khagaria

... .. Petitioners

Versus

1. The State of Bihar
2. Arbind Sahni S/o- Raj Kishore Sahni Village Po- Sonbasha Ghat Ps- Choudham Dist- Khagaria

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party State: Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Chautham P.S. Case No.90/2023 registered under Sections 366(A)/34, 376 of the of the Indian Penal Code (in short 'I.P.C.') and Section 4 of the POCSO Act.

3. As per the FIR, petitioners along with other co-accused persons kidnapped the minor daughter of the informant, aged about 17 years, where apprehension was raised that she might be killed by the accused persons including these petitioners.



4. It is submitted that the thrust of allegations *qua* kidnapping is available against co-accused Suraj Kumar, whereas the allegations against these petitioners including other co-accused persons appears very much general and omnibus. It is pointed out that even the petitioners were not named through the statement of the victim recorded under Section 183 of the BNSS, where she categorically stated that out of her own sweet will left her house with co-accused Suraj Kumar. Petitioners claimed clean antecedents.

5. Learned APP has opposed the prayer of bail.

6. In view of the aforesaid factual submissions and by taking note of the facts as the thrust of allegations *prima facie* not appears available against petitioners, where the victim also denied the allegations of kidnapping while recording her statement under Section 183 of the BNSS, accordingly, both the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria, in connection with Chautham P.S. Case No.90/2023 (G.R. No. 1029/2023) subject to the



conditions as laid down under Section 438(2) of the CrPC/under
Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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