

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64857 of 2025

Arising Out of PS. Case No.-21 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Vikash Kumar @ Vikash Sahani Son of Suraj Sahni Resident of Village- Kunj Bhawan, Police Station- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Ghanshyampur P.S. Case No. 21 of 2022 registered for the alleged offences under Sections 363 and 365/34 of the Indian Penal Code.

3. As per prosecution case, the informant sent her minor son along with the petitioner and other co-accused persons to Punjab where they have been staying with their families. Thereafter, the son of the informant went incommunicado. When the informant enquired from the petitioner and other co-accused persons, they abused and assaulted her and threw her out of their house. The informant showed her suspicion that the accused persons have sold out her



son or killed him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after much delay. The occurrence is stated to have taken place on 20.12.2021 but the FIR was lodged on 28.01.2022. From the FIR it is also apparent that the informant herself allowed her son to go with the petitioner and other co-accused persons. The statement of the victim boy was recorded under Section 161 Cr.P.C. and 164 Cr.P.C. In his statement under Section 161 Cr.P.C., the victim boy has not stated anything against the petitioner and other co-accused persons but later on, when the statement under Section 164 Cr.P.C. was recorded he implicated co-accused Pankaj Mukhiya and this petitioner stating that they sold him to some person. Co-accused Pankaj Mukhiya was also a minor and used to work in the paddy field at Punjab with the victim boy and as some hot talk took place between co-accused and the informant, the informant falsely implicated all the accused persons in this case due to her personal grudge. The petitioner has got no criminal antecedent. The petitioner is in custody since 16.06.2025 and charge sheet has been submitted.

5. Learned APP opposes the submission made on



behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he along with other co-accused persons took away the son of the informant and the statement of the son of the informant was recorded wherein he stated that the petitioner and co-accused persons sold him to some person in Punjab.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbable nature of accusation and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Biraul, Darbhanga/concerned Court in connection with Ghanshyampur P.S. Case No. 21 of 2022, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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