

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65886 of 2025

Arising Out of PS. Case No.-258 Year-2023 Thana- SONBERSA District- Sitamarhi

1. Devi Chandra Sah S/o Late Satyanarayan Sah
2. Gita Kumari, D/o Devi Chandra Sah,
Both are R/o Village - Rajwara, Ward No -01, P.S.-Sonbarsa, District -
Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, vAPP

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. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Sonbarsa

P.S. Case No.258 of 2023 registered under Sections 420,

120-B, 406 and 376 read with 34 of the Indian Penal Code.

3. The present FIR is founded upon Complaint Case

No.377 of 2023 filed before the learned Chief Judicial

Magistrate, Sitamarhi, wherein it is alleged that the petitioner

No.1 and petitioner No.2, who are father and daughter,

solemnized the marriage of complainant with their driver,

where the intention of petitioner no.1 was to procure a child



from the complainant. The allegation of rape was also appears to be raised through complaint case.

4. It is submitted by learned counsel appearing for petitioner that admittedly as per complaint, the complainant solemnized marriage with co-accused Sikandar Sharma, who said to be the driver of the petitioners. It is submitted that immediately after the marriage, certain dispute surfaced between the co-accused Sikandar Sharma and the complainant whereafter petitioner nos. 1 and 2 were implicated falsely with this case by complainant on imaginary ground. It is pointed out that both petitioners in fact helped the complainant to solemnize her marriage with their driver. Both petitioners are men of clean antecedent. It is submitted that the allegation of rape is not available against petitioner no.1, where allegation to outrage the modesty of complainant appears to raise just to aggravate the allegation.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as allegation of rape is not available against petitioner no.1, where petitioner no.2 is the daughter,



who helped their driver to marry with complainant, which *prima facie* appears reason for implication of the petitioners with present case, accordingly, both petitioners, above-named, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail 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 Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No.258 of 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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