

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76097 of 2024

Arising Out of PS. Case No.-255 Year-2022 Thana- SABAUR District- Bhagalpur

1. Sarita Devi Wife of Muni Lal Yadav Village- Mir Saheb Tola, Factory road, Behind ITI, Ps- Barari, Dist- Bhagalpur
2. Muni Lal Yadav son of Late Paro Yadav Village- Mir Saheb Tola, Factory road, Behind ITI, Ps- Barari, Dist- Bhagalpur
3. Poonam Devi Wife of Vijay Kumar Yadav Village- Mir Saheb Tola, Factory road, Behind ITI, Ps- Barari, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Singh Son of Chhote Lal Singh village- Birnaudh, Ps- Goradih, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-07-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. Nobody appears on behalf of the informant despite
issuance of notice.

3. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 366(A),
120(B) of the Indian Penal Code and Section 8 of the POCSO
Act.

4. The allegation in the FIR is that the accused persons
including the petitioners herein have kidnapped the minor



daughter of the informant for the second time and earlier also there had been a case registered against them with regard to the same victim girl who was recovered and handed over to the informant.

5. Learned counsel for the petitioners submits that there has been an inordinate delay in lodging of the FIR as the same has been lodged after a lapse about three and a half months. There is no specific allegation of kidnapping upon the accused and it is the people of the vicinity who disclosed to the informant that her daughter was seen with the accused at the main *Chauraha*. It is next submitted that it would be apparent from the cognizance order dated 18.10.2023 (Annexure-P/2) that after investigation, the police had not submitted charge sheet against the present petitioners and hence, they were not sent for trial, however, subsequently, cognizance was taken against them differing with the findings of the case. It is further submitted that the statement of the victim under Section 164 Cr.P.C. has been discussed in the order dated 05.06.2023 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 18246 of 2023 granting anticipatory bail to two other co-accused persons wherein it has been stated that the victim girl has admitted that she had been taken away to Rajasthan by one



Rahul Kumar who was subsequently taken into custody and sent to the Juvenile Justice Board as he was also a minor.

6. Learned APP for the State, however, opposes the prayer for anticipatory bail.

7. Taking into consideration the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court and the thrust of the allegation is against co-accused Rahul Kumar, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 lower Court where the case is pending/successor Court in connection with Sabour (Goradih) P.S. Case No. 255 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

