

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.71492 of 2024

Arising Out of PS. Case No.-305 Year-2024 Thana- DUMRA District- Sitamarhi

1. Budhani Khatoon @ Barida Khatoon W/o Md. Intezar @ Md. Intzar R/o village - Barharwa @ Barharba, P.S. - Dumra, Dist. - Sitamarhi
2. Md. Intzar @ Mohammad Intezar @ Md. Intazar @ Md. Inojar S/o Md. matkabir @ Mohammad Motak Babir R/o village - Barharwa @ Barharba, P.S. - Dumra, Dist. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Jannat S/o Md. Taslim R/o village - Barharwa, ward no. 20, P.S. - Dumra, Dist. - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.  
For the State : Ms. Madhuri Lata, APP.  
For the Informant : Mr. Shankar Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA  
ORAL ORDER

5      09-05-2025      Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 137, 96, 3(5) of the B.N.S.

3. The FIR has been registered against the petitioners and other co-accused persons by the father of the victim girl stating therein that his daughter had gone missing from 07.07.2024 and on search, he came to know that co-accused Sunil Kumar, who is the tenant of the present petitioners, was last seen talking with



his daughter in presence of petitioner no.2. Further, when the informant tried to enquire about the said Sunil Kumar, he got to know that he had gone away with his minor daughter.

4. Learned counsel for the petitioners submits that it would be apparent from the FIR itself that the thrust of the allegation is against co-accused Sunil Kumar, who was the tenant of the petitioners and who was in a love relationship with the daughter of the informant. The allegation of enticing away the victim girl is also upon the said Sunil Kumar. The petitioners were merely landlords and once it came to their knowledge that the victim girl is missing, they even got the house vacated. It has further been argued that there is also an inordinate delay in lodging of the FIR inasmuch as the date of occurrence is 07.07.2024, whereas the case has been lodged on 16.07.2024 without any plausible explanation.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail supporting the allegations levelled in the FIR. Learned counsel appearing for the informant submits that the victim girl has not been recovered till date and hence, it is a serious matter. In response to the same, learned counsel for the petitioners submits that there is no substantial material either in the FIR or collected during the



course of investigation to connect these petitioners to the alleged offence. However, the petitioners undertake that they would provide all cooperation to the investigating agency for the purposes of recovering the minor victim girl.

6. In such view of the matter, I am inclined to grant the privilege of anticipatory bail to the petitioners, who have no criminal antecedent. 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 learned A.D.J. VI cum POCSO Act, Sitamarhi in connection with Dumra P.S. Case No. 305 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. However, in case the petitioners violate their own undertaking and do not cooperate with the investigating agency in a proper manner for recovering the victim girl, the informant shall be at liberty to move before the learned Court below for cancelling the bail bonds of the petitioners.

**(Soni Shrivastava, J)**

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