

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74800 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Omprakash Kumar @ Om Prakash S/O Jawahar Sah R/O Village- Sakrauli, P.S- Bakhtiyarpur, District- Saharsa.
 2. Jay Prakash Kumar S/O Jawahar Sah R/O Village- Sakrauli, P.S- Bakhtiyarpur, District- Saharsa.
 3. Jawahar Sah S/O Late Baso Sah @ Late Bashudev Shah R/O Village- Sakrauli, P.S- Bakhtiyarpur, District- Saharsa.
 4. Rupa Devi W/O Jawahar Sah R/O Village- Sakrauli, P.S- Bakhtiyarpur, District- Saharsa.
 5. Uday Kumar @ Uday Sah S/O Late Saryug Sah R/O Village- Sakrauli, P.S- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Kumari W/O Sanjay Kumar Singh R/O Village- Sardiaha, P.S- Bakhtiyarpur, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.
Mrs. Kumari Pallavi, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2025 At the outset, learned counsel for the petitioner submits that he may be permitted to withdraw the petition so far as the Uday Kumar, @Uday Sah is concerned (petitioner no. 5).

2. Accordingly, the anticipatory bail application of Uday Kumar @ Uday Sah stands rejected.

3. Heard Mr. Manoj Kumar Pandey, learned Counsel for the petitioners and learned APP for the State.



2. The petitioners apprehend their arrest in connection with Simri Bakhtiyarpur P.S. Case No. 544 of 2024 for the offence registered under sections 96, 137(2), 3(5) of BNS and Section 8, 12 of the POCSO Act lodged on 05.12.2024.

3. As per the prosecution story, the informant alleged that in the night, he found the victim girl missing and as she went out, saw all the named accused persons taking her away in a car. Earlier also, they had taken the girl but later, with the intervention of Police/villagers, she returned. This led to the FIR.

4. Learned Counsel for the petitioners submit that a perusal of the learned Sessions Judge report would show that she has made allegation only against Shiv Prakash and Uday Raj (@ Uday Kumar @Uday Sah). She further alleged that these two accused persons later forced her to take Rajrani train and she returned to Saharsa. So far as the petitioner nos. 1 to 4 are concerned, they are family members of Shiv Prakash and Uday Raj and only to implicate them, they have been named.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the lady saw all of them moving along with the girl.

6. Taking into account the submissions of the parties



as also the materials on record and the statement of the victim girl as recorded by the learned Sessions Judge in its order, main role of repeated rape has been attributed to Shiv Prakash and Uday Raj @Uday Kumar. Though in the FIR, the petitioners have been named, the girl has not alleged anything against petitioner nos. 1 to 4, one of whom is a lady, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioner nos. 1 to 4 namely Omprakash Kumar, Jay Prakash Kumar, Jawahar Sah and Rupa Devi (except petitioner no. 5) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ VI-cum-Special Judge, (POCSO), Saharsa, District- Saharsa in connection with Simri Bakhtiyarpur P.S. Case No. 544 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1 to 4 namely Omprakash Kumar, Jay Prakash Kumar, Jawahar Sah and Rupa



Devi (except petitioner no. 5), who shall provide official document to show his *bona fide*;

(ii) the petitioner nos. 1 to 4 namely Omprakash Kumar, Jay Prakash Kumar, Jawahar Sah and Rupa Devi (except petitioner no. 5) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner nos. 1 to 4 namely Omprakash Kumar, Jay Prakash Kumar, Jawahar Sah and Rupa Devi (except petitioner no. 5) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner nos. 1 to 4 namely Omprakash Kumar, Jay Prakash Kumar, Jawahar Sah and Rupa Devi (except petitioner no. 5) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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