

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77694 of 2025

Arising Out of PS. Case No.-118 Year-2025 Thana- GHOGHARDIHA District- Madhubani

1. Hiaralal Mahto @ Hiralal Kumar Mahto Son of Jay Prakash Mahto R/o Village - Kamalpur, P.S. - Ghoghardiha, Dist. - Madhubani.
2. Jay Prakash Mahto Son of Mintri Mahto R/o Village - Kamalpur, P.S. - Ghoghardiha, Dist. - Madhubani.
3. Horil Mahto Son of Fauji Mahto R/o Village - Kalapatti Barhi, P.S. - Phulparas, Dist. - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bechan Mahto Son of Sukan Mahto R/o Village - Bagraha ward no. 11, P.S. - Ghogardiha, Dist. - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-12-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 76 and 3(5) of the Bharatiya Nyaya Sanhita and Section 8 and 12 of POCSO Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his minor daughter aged about 16 years on pretext of attending call of nature went to the orchard, where six named



accused persons including the petitioners were waiting from before, further they caught his daughter and Hiralal made her sit on his motorcycle and started fleeing, on alarm raised by his daughter villagers gathered and accused persons fled leaving the motorcycle and mobile which were kept at Mukhiya residence, further the accused kept delaying the *panchayati* hence the FIR was instituted after some delay.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner nos. 2 and 3 are father and maternal uncle of petitioner no. 1. It is further submitted that informant was trying to get the victim married to the petitioner no. 1, but the parents of the petitioner no. 1 were not ready for the proposal, as such the instant false case came to be instituted. It is also submitted that the date of occurrence is 26-6-2025 and the FIR came to be instituted on 11-7-2025, i.e., after a delay of more than 14 days, which casts an aspersion on the case of the prosecution. It is next submitted that had it been a case of kidnapping, in that event, the FIR would have been instituted promptly and the informant would not have waited for a *panchayati* to be convened for deciding the issue.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ghoghardiha P.S. Case No. 118 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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