

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3393 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- SHEKHPURA District- Sheikhpura

1. Rajpal Kumar S/o Umesh Prasad R/o - Hasimkanda, Bengalipar, Sheikhpura, P.S - And District - Sheikhpura, And Permanent Resident of Village - jagdishpur, P.S - korma, District - Sheikhpura
2. Gaytri Devi W/o Sanjay Kumar R/o vill - Murarpur, P.S. - Korma, Distt.- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Lal Prasad S/o Baleshwar Prasad R/o Bangalipar, Sheikhpura, P.s. and Distt. - Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 05-03-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sheikhpura P.S. Case No. 130 of 2024 instituted for the offence under Sections 366(A) & 34 of the Indian Penal Code (for brevity 'IPC') in which charge sheet has been submitted under Sections 366(A), 376 & 120B of the IPC and Section 4 of the POCSO Act.

3. Prosecution case in short is that on 25-02-2024, minor daughter of the informant was kidnapped while shopping



with her mother. He later learnt that the accused forcibly married her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Learned counsel for the petitioners submits that after completion of investigation, police submitted final form against the petitioners. However, differing with the same the court below took cognizance against the petitioners. It is further submitted that the petitioners have no concern with the alleged occurrence and in the confessional statement of the victim under Section 183 of the BNSS, 2023, she has not made any allegation against the petitioners.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is contended that victim is minor and the allegation is serious in nature, hence, petitioners do not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioners above-named, in the event of his arrest or surrender before the learned Court below 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 court below where
the case is pending/successor court in connection with
Sheikhpura P.S. Case No. 130 of 2024, subject to the conditions
as laid down under Section 482 (2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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