

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84690 of 2024**

Arising Out of PS. Case No.-24 Year-2024 Thana- HALSI District- Lakhisarai

Kinish Kumar Son of Ganga Mahto Resident of Village - Gaura, P.O. - Tarahari, P.S. - Halsi, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 85541 of 2024**

Arising Out of PS. Case No.-24 Year-2024 Thana- HALSI District- Lakhisarai

Nitish Kumar S/O Hari Prasad @ Hari Mahto Vill.- Saur, PO- Rajapur Saur, PS- Warisleganj, Distt.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Gajadhar Mahto Son of Sukhdev Mahto R/O Vill.- Deera, P.O.- Konag, P.S.- Halsi, Dist.- Lakhisarai.

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 90004 of 2024**

Arising Out of PS. Case No.-24 Year-2024 Thana- HALSI District- Lakhisarai

Manjay Kumar Son of Bideshwari Mahto @ Bindeshwar Mahto Resident of Village- Madari, P.O.- Bhadaush, P.S.- Sirari, District- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Gajadhar Mahto Sukhdeo Mahto, Vill-Dira, P.S.- Hslsi Dist-Lakhisarai

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 84690 of 2024)  
For the Petitioner/s : Mr .Manoj Kumar Ambastha, Adv.  
For the State : Mr. Nitya Nand Tiwary, APP.  
For the Informant : Mr. Shambhu Sharan Singh, Adv.  
(In CRIMINAL MISCELLANEOUS No. 85541 of 2024)



For the Petitioner/s : Ms. Shrishti Rani, Adv.  
For the State : Mr. Arun Kumar, APP.  
For the Informant : Mr. Shambhu Sharan Singh, Adv.  
(In CRIMINAL MISCELLANEOUS No. 90004 of 2024)  
For the Petitioner/s : Mr. Manoj Kumar Ambastha, Adv.  
For the State : Mr. Shantanu Kumar, APP.  
For the Informant : Mr. Shambhu Sharan Singh, Adv.

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

5      14-05-2025              As these bail applications have arisen from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsels for the petitioners, learned APPs for the State and learned counsel for the informant.

3. Learned counsel appearing for the informant has filed a counter affidavit in Cr. Misc. No. 90004 of 2024.

4. At the very outset, learned counsel appearing for petitioner Manjay Kumar in Cr. Misc. No. 90004 of 2024 seeks permission to withdraw the application.

5. Permission is granted.

6. Accordingly, the application (Cr. Misc. No. 90004 of 2024) is dismissed as withdrawn.

7. However, if petitioner Manjay Kumar surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on its own merits without being prejudiced by this order.

8. Now, learned counsels appearing for the parties in Cr.



Misc. No. 84690 of 2024 and Cr. Misc. No. 85541 of 2024 are being heard.

9. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

10. The allegation in the FIR is that the minor daughter of the informant was abducted by co-accused Manjay Kumar, who was accompanied by other co-accused persons including the petitioners, when she went for her coaching classes.

11. Learned counsels for the petitioners submit that it would be apparent from the FIR itself that while the informant's daughter went missing on 19.01.2024, the present FIR came to be lodged on 23.01.20234 after a substantial delay for which there is no explanation tendered. It is further submitted that as a matter of fact, the informant's daughter was in a love relationship with co-accused Manjay Kumar from more than one year. It is further submitted that nothing specific has been attributed against the petitioners. The allegation levelled against petitioner Kinish Kumar is only confined to the fact that he had accompanied the petitioner and the victim in a vehicle to Nawada. So far as the case of petitioner Nitish Kumar is concerned, the allegation levelled against him is only that of



clicking some photographs of the petitioner and the victim during their marriage ceremony and he is not even named in the FIR. Learned counsels for the petitioners have also invited the attention of this Court to an order of a co-ordinate Bench of this Court whereby other co-accused persons have been extended the privilege of anticipatory bail vide order dated 01.05.2024 passed in Cr. Misc. No. 24240 of 2024. It is further submitted that the victim even in her statement recorded under Section 164 Cr.P.C. has admitted that she had gone voluntarily along with co-accused Manjay Kumar to different places and solemnized marriage with him.

12. Learned APPs for the State and learned counsel for the informant oppose the prayer for bail.

13. Considering the facts and circumstances of the case and particularly that nothing specific has been attributed against the petitioners, namely, Kinish Kumar and Nitish Kumar, I am inclined to grant the privilege of anticipatory bail to them having no criminal antecedent. Let the petitioners, named in Cr. Misc. No. 84690 of 2024 and Cr. Misc. No. 85541 of 2024, 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 Judicial Magistrate First Class, Lakhisarai in connection with Halsi P.S. Case No. 24 of 2024, 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)

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