

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10520 of 2026

Arising Out of PS. Case No.-78 Year-2025 Thana- MAHILA P.S. District- Siwan

Prem Kumar @ Prem Kumar Sah S/O Bhagwan Sah Resident of Saraiya
Shrikant, P.S.- Basantpur, Dist.- Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. Smita Kumari, Additional Station House Officer, Mahila P.S. Siwan

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Subhash Kumar, Advocate
For the State : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 30-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahila P.S. Case No.78 of 2025 dated 21.11.2025 instituted for the offence punishable under Sections 127(2), 318(4), 143, 338, 336(3), 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 14(1) of the Child Labour (Prevention and Regulation) Act, 1986 and Section 79 of the Juvenile Justice Act, 2015.

3. The prosecution case, in short, is that on the alleged date of occurrence, the informant along with other police personnel conducted a raid at Sitara Orchestra, Madarpur and recovered two minor girls, who disclosed that the accused persons used to compel and torture them to dance on indecent songs.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been implicated in this case only on the basis of suspicion without any direct evidence. He further submits that the petitioner is in custody since 21.11.2025 without any fault and similarly situated co-accused Mannu Kumar @ Manu Kumar @ Abhimannu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 23.02.2026 passed in Criminal Miscellaneous No.2945 of 2026 and co-accused Abhishek Singh has been granted bail by this Court vide order dated 25.03.2026 passed in Criminal Miscellaneous No.5755 of 2026.

5. Learned APP for the State has vehemently opposed the prayer of the petitioner for grant of bail.

6. Considering the period of custody of the petitioner and also the fact that similarly situated co-accused persons have been granted bail, this bail application is allowed.

7. Let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan / concerned Court below, in connection with Mahila P.S. Case No.78 of 2025, subject to the following conditions:-



- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. Both the bailors will be the close relatives of the petitioner.
- iii. The petitioner within two weeks after his release from custody shall mark his attendance at Basantpur Police Station, Siwan on first Sunday of every month. Any default in appearance at the police station will result in cancellation of bail bonds of the petitioner.

8. It is clarified that this Court has not expressed any opinion on the merits of the case and the observations made by this Court is only for the purpose of deciding this bail application.

(Sandeep Kumar, J)

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