

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5230 of 2026

Arising Out of PS. Case No.-2 Year-2025 Thana- ARIYARI District- Sheikhpura

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1. Sujata Kumari @ Sujita Kumari, aged about 28 years, W/O Nitish Kumar, R/O Village- Habunagar, P.S- Chandradeep, Distt.- Jamui.
 2. Nitish Kumar, aged about 38 years, Sex-Male, S/O Pyare Mahto @ Pyarelal Mahto, R/O Village- Habunagar, P.S- Chandradeep, Distt.- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX, R/O Village- Naya Tola, Hasanganj, P.S- Sheikhpura, Distt.- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 64, 89, 351, 352 and 3(5) of the BNS.

3. As per allegation in the FIR, co-accused Gaurav Kumar established physical relationship with the informant on the pretext of marriage and thereafter he refused to marry her.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next



submits that after investigation, final form has been submitted against both the petitioners as not sent up for trial and the learned trial Court took cognizance on 30.05.2005 only against main co-accused Gaurav Kumar and not against both the petitioners. He next submits that petitioner no.2, namely, Nitish Kumar is brother-in-law and petitioner no.1, namely, Sujata Kumari is the sister of main co-accused, namely, Gaurva Kumar and they have no role in this case as alleged in FIR as stated in para-11 of the petition. He next submits that main co-accused Gaurav Kumar has already been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 43976 of 2025. Petitioners have got clean antecedent as stated in para-3 of the petition.

5. In view of the aforesaid facts as well as the fact that main co-accused has already been granted bail by a Co-ordinate Bench of this Court, so let the above named both petitioners be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Exclusive Special Judge (POCSO), Sheikhpura in



connection with Ariyari P.S. Case No. 02 of 2025, subject to the
conditions as laid down under Section 482(2) of the BNSS.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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