

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11699 of 2026

Arising Out of PS. Case No.-185 Year-2025 Thana- SRINAGAR District- West Champaran

1. Mosmat Uma Devi @ Musmat Uma Devi, W/O Late Madan Yadav, R/O Village- Ranaha Ghorahiya, Police Station - Sirisiya, District - West Champaran
2. Mahesh Yadav @ Muklesh Yadav, S/O Late Madan Yadav, R/O Village - Ranaha Ghorahiya, Police Station - Sirisiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 25-02-2026 This is the second attempt of the petitioner for grant of anticipatory bail.

2. Earlier, *vide* order dated 15.01.2026, the petitioners were granted bail by this Court in Cr. Misc. No. 85330 of 2025. It has been submitted that due to inadvertence the criminal antecedent of the petitioners could not be disclosed earlier and hence the bail bonds of the petitioners were not accepted by the learned Trial Court.

3. Heard the learned counsel for the parties.

4. Petitioners apprehend their arrest in connection with Shrinagar P.S. Case No. 185 of 2025 registered for the offences under Sections 137(2), 96, 351(2) and 3(5) of the



Bharatiya Nyaya Sanhita, 2023.

5. As per the prosecution case, the informant has alleged that his minor daughter had gone to attend the call of nature and it is alleged that the co-accused namely Arun Yadav made her sit on a motorcycle and both fled away. It has further been alleged that when the informant went to the house of Arun Yadav, his mother and brother (petitioners) abused him and threatened him to go away.

6. The learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case and they have no concern whatsoever with the elopement of the informant's daughter with the said Arun Yadav, who happens to be the son and brother of the petitioners respectively. It has further been submitted that the petitioner no. 1 is a widow and the petitioner no. 2 is her son and they were not aware of the elopement of the said Arun Yadav along with the victim. It has further been submitted that when the impugned order was passed, the victim was traceless but the victim has been traced and her statement has been recorded by the police wherein she has not alleged any specific overt act against these petitioners and she has also stated that she had gone with Arun Yadav out of her own sweet will. It has lastly been submitted that the



petitioners have one criminal antecedent bearing Srinagar P.S. Case No. 82 of 2020 in which they are on bail.

7. The learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that these petitioners were hand in gloves with the said Arun Yadav and they had deliberately not disclosed the whereabouts of the victim and despite being given chance to trace the victim along with their son and brother respectively, they did not help in investigation and therefore the bail application should not be entertained.

8. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Shrinagar P.S. Case No. 185 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S.



as well as subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative.
- (ii) The petitioners shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
- (iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the prayer for anticipatory bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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