

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10394 of 2026

Arising Out of PS. Case No.-319 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Usha Devi W/o Niti Lal @ Nitilal Rajak R/o Village - Dighi, P.S - Madhusudanpur, District - Bhagalpur
2. Nitilal Rajak @ Niti Lal S/o Late Mohan Rajak R/o Village - Dighi, P.S - Madhusudanpur, District - Bhagalpur
3. Fantus Rajak S/o Niti Lal @ Nitilal Rajak R/o Village - Dighi, P.S - Madhusudanpur, District - Bhagalpur
4. Vikash Rajak S/o Niti Lal @ Nitilal Rajak R/o Village - Dighi, P.S - Madhusudanpur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Patel Bharti S/o late Bhuto Yadav, Vill- Dighi, P.S.- Madhusudanpur, Distt- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-06-2026 Heard the parties.

2. The petitioners are apprehending arrest in connection with Nathnagar(Madhusudanpur) P.S. Case No. 319 of 2022 instituted under Section 366A, 34 of the Indian Penal Code lodged on 16.05.2022 by the informant, Patel Bharti.

3. As per the prosecution story, the informant alleged that her minor daughter went to attend the marriage ceremony but failed to return. Later, it came to notice that Vishnu Rajak has kidnapped her for the purpose of marriage and the role of



the family members cannot be ignored. This led to the F.I.R.

4. Learned counsel for the petitioners submit that admittedly, there is allegation against Vishnu Rajak. They are family members inasmuch as while the petitioner nos. 1 and 2 are aged mother and father respectively, the petitioner nos. 3 and 4 are brothers, they do not have criminal antecedent and actually, the boy and girl were in relationship but later due to family pressure, the FIR.

5. Learned APP opposes the prayer submitting that the girl under section 183 of the BNSs has made allegation so far as Vishnu Rajak is concerned. Further, the statement also records that the family members were also there.

6. In this case, notice was issued to opposite party no.2 and the office notes record that it has been validly served upon him.

7. This Court has taken note of the submissions of the parties as also the fact that the girl chose not to go for the medical examination. The allegation mainly is against Vishnu Rajak of having taken her away to Gujarat from where she was recovered after the family members reached there. He will have to face the music. So far as these family members are concerned, taking into account the aforesaid facts as also no specific role



have been assigned to them nor they do not have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Nathnagar(Madhusudanpur) P.S. Case No. 319 of 2022 to the satisfaction of learned Exclusive Special POCSO Court cum District & Additional Sessions Judge-VI, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) The petitioners shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two



consecutive dates without plausible reason will entail
cancellation of their bail bond by the Trial Court itself;

(iv) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/Shivangi

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