

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12550 of 2026

Arising Out of PS. Case No.-398 Year-2025 Thana- BARHARIA District- Siwan

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1. Mithlesh Giri @ Mithilesh Kumar Giri @ Mithlesh Kumar S/o Late Dayal Giri @ Late Devi Dayal Giri R/o Village - Mushehari Tola, P.S - Barharia @ Barharia, District - Siwan
 2. Jogendra Giri @ Yogendra Giri @ Yogendra @ Jogindra Giri S/o Late Dayal Giri @ Late Devi Dayal Giri R/o Village - Mushehari Tola, P.S - Barharia @ Barharia, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shree X S/o Late Saroj Singh R/o Village - Mushehari Tola, P.S - Barharia @ Barharia, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 137(2) and 87 of the BNS, 2023 read with Sections 4/6 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 25.06.2025 at 04:00 PM, her sister had gone to the market to purchase some articles, but did not return, on inquiry, it transpired that Mithlesh and Shailesh (petitioners



herein) kidnapped her for the purposes of marrying, accordingly, she went to their house where Jogindar abused and ousted her from the house.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence is 25.06.2025 and the FIR came to be instituted on 03.08.2025 i.e. after a delay of more than 38 days which casts an aspersion on the case of prosecution. It is also submitted that victim came back and her statement was recorded under Section 183 BNSS wherein she has supported the case of the prosecution, but then from perusal of her statement recorded under Section 183 BNSS, it would manifest that the same does not inspire confidence. It is further submitted that victim in her statement recorded under Section 183 BNSS has stated that she had gone to the market on 25.06.2025 where she met Mithlesh who asked her to have *Pakoda* and Shailesh was also there, further after having *Pakoda*, she felt unconscious and thereafter when she regained consciousness, she found herself in a village where she met a boy and asked him to give his mobile and accordingly from the said mobile, she called her brother and



thereafter a person came who snatched her mobile, but then she met another person and requested to somehow take her out of the village and the said person dropped her at Hardoi station from where she came to Siwan and then came back home, the victim also stated that when she was fully conscious, the petitioners did not do any wrong, but is not aware what happened after she became unconscious.

5. Learned counsel appearing on behalf of the petitioners next submits that the statement of the victim gives an impression that the same has been recorded under parental pressure. It is further submitted that it does not appear probable that had petitioners been involved in the occurrence of making her unconscious and taking her to a village then they would have left her all alone to meet a boy and a person who took her back to Hardoi station. It is reiterated and submitted that the statement of the victim is not inspiring confidence. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioners.

7. After hearing the learned counsel for the parties, the Court is in complete agreement with the submissions made



by the learned counsel appearing on behalf of the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barharia @ Barhariya P.S. Case No. 398 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. Accordingly, the instant anticipatory bail application stands allowed.

11. At this stage, the learned counsel appearing on behalf of the petitioners submits that brother of the present victim again instituted Barharia P.S. Case No. 129 of 2026



dated 19.03.2026 alleging that petitioners again kidnapped the
victim of the instant FIR.

(Satyavrat Verma, J)

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