

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27926 of 2026

Arising Out of PS. Case No.-297 Year-2025 Thana- TURKI KHARARU District-
Muzaffarpur

1. Ganita Devi W/O Chandan Kumar R/O Village- Chadhua, P.S- Turki, Distt.- Muzaffarpur.
2. Santosh Kumar S/O Nagendra Paswan R/O Village- Kolhua Paigambarpur, P.S- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 28300 of 2026

Arising Out of PS. Case No.-297 Year-2025 Thana- TURKI KHARARU District-
Muzaffarpur

Mohan Kumar Son of Late Batahu Paswan Resident of Village - Chadhua,
P.S.- Turki, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 27926 of 2026)
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 28300 of 2026)
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-07-2026 Heard the learned Advocate for the petitioners and

learned Additional Public Prosecutor for the State.

2. Since both the cases are arising out of the same P.S.
case and, as such, with the consent of the learned Advocate for
the parties, they are being heard together and disposed off by
this common order.



3. The petitioners apprehend their arrest in connection with Turki P.S. Case No. 297 of 2025 , registered for the offences punishable under Sections 137(2), 96 and 3(5) of the BNS.

4. Allegedly in the fateful night of 10.11.2025 when the minor daughter of the informant went to attend the nature's call, in the meanwhile, all the FIR named accused persons forcibly taken her away for the purpose of marriage after giving threat.

5. Learned Advocate for the petitioners submitted that surprisingly the occurrence took place on 10.11.2025 in presence of the informant but the FIR came to be instituted on 12.11.2025. It is submitted that in fact no such occurrence has taken place rather the victim girl voluntarily left her house with petitioner Mohan Kumar and later on, she came to know that the FIR has been instituted, she returned to her house, but on the dictate of informant and her family members while her statement has been recorded under Section 183 of BNSS she made a different story that it is the petitioners Mohan Kumar and Santosh Kumar who had forcibly taken away to Muzaffarpur and from there she was taken to Lucknow. Thereafter she returned to her house after two days. She further



stated that a video has also been prepared in which it was found that she was stating that she voluntarily left her matrimonial home but it is not the fact. It is further contended that she is acquainted with petitioner Mohan Kumar for the last two to three months. Referring thereto, learned Advocate for the petitioner submitted that in fact both victim and petitioner Mohan Kumar were in love and they left the house and at no point of time the victim has made any allegation with respect to sexual exploitation or any physical relation. Moreover, the petitioner Gunita Devi is none else but the bhabhi of a petitioner Mohan Kumar and has no concern with the present case.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the victim is a minor girl and she was forcibly taken away by the petitioner petitioners Mohan Kumar and Santosh Kumar and as such the offense of Sections 137(2)/96/3(5) of the BNS is made out.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the statement of the victim recorded under Section 183 BNSS wherein she has not made any allegation regarding physical harassment or sexual exploitation, besides the fact that both the



parties were acquainted to each other, as also the delay in lodging of the FIR and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur (West) in connection with Turki P.S. Case No. 297 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

siddharth/-

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