

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31601 of 2026

Arising Out of PS. Case No.-295 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champran

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1. Kallu Kumar son of Late Ashok Das,
 2. Lalita Devi, Wife of Late Ashok Das
Both are residents of village- Sihuliya P.S -Muffasil District- East
Champran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Y Resident of village- Sihuliya Ps -Muffasil District- East
Champran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-07-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Motihari Muffasil P.S. Case No.295/2025, registered for the offences under Section 96 of BNS and Section 8/12 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing in the night and the informant named the petitioner no.1 and other co-accused for being instrumental in enticing away her daughter for the purpose of marriage.



4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that the daughter of the informant was in contact with co-accused Chhotan Kumar, who is the brother of petitioner no.1 and the son of the petitioner no.2 whose name has not been mentioned in the FIR and it transpired during investigation. The victim girl has returned and in her statement recorded under Sections 180 and 183 of BNSS, though she has made allegation against the petitioners and co-accused Chhotan Kumar, but the allegations are not believable. The learned counsel further submits that it appears that she eloped with co-accused Chhotan Kumar and at the instance of her family members, she has falsely implicated the petitioners. Moreover, her story of going to Bangalore under threat of the petitioners and co-accused is not believable as she did not raise any alarm during her journey to Bangalore and, thereafter, did not made any complaint to anybody while staying in Bangalore. The learned counsel further submits that the petitioners are in custody since 17.02.2026 and are having clean antecedents. The charge sheet has been submitted.

5. Learned A.P.P. vehemently opposes the submission made on behalf of the petitioners.



6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioners and further considering the period of custody of the petitioners along with their clean antecedent and also considering the submission of charge sheet, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari/ concerned court, in connection with Muffasil P.S. Case No.295/2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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