

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33116 of 2026

Arising Out of PS. Case No.-319 Year-2025 Thana- DESARI District- Vaishali

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1. Sunny Raj @ Sunny Kumar S/O Late Rajesh Kumar Ro vill.- Fatikwara, P.S.- Desari, Dist.- Vaishali, Bihar
 2. Kiran Devi W/O Late Rajesh Kumar Ro vill.- Fatikwara, P.S.- Desari, Dist.- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. xxx S/O yyy R/O Vill.- Matiya, P.s.- Sahdei Desari, Dist.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Shruti Singh, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, APP
	Mr. Ranjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-07-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a connection with Desari P.S. Case No.319 of 2025 dated 02.09.2025, registered for the offence punishable under Sections 363, 137(2), 87, 366 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the FIR, the informant has alleged that petitioner no.1, along with co-accused Sachin Kumar, kidnapped her daughter at the instance of petitioner no.2. The informant further expressed apprehension that her daughter might have been sold or may be killed by the accused persons.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in the present case. It is submitted that the specific allegation is against co-accused Sachin Kumar, who was allegedly in contact with the victim. It is further submitted that even as per the statement of the victim recorded under Section 183 of the BNSS, the allegation of sexual assault is only against the said Sachin Kumar. It is further submitted that, as per the statement recorded under Section 180 of the BNSS, petitioner no.1 is alleged to have been riding the motorcycle and, along with Sachin Kumar, the victim was made to sit in the middle and was taken to Hajipur. Learned counsel further submits that there are material contradictions between the statements of the victim recorded under Sections 180 and 183 of the BNSS, which have neither been explained nor investigated by the Investigating Officer. It is submitted that, in her statement before the police, the victim stated that she had been regularly in touch with Sachin Kumar over mobile phone for the last three months. There is no mention of any Bolero Jeep having been used to take her to Hajipur and thereafter to Desari Railway Station. However, in her statement recorded under Section 183 of the BNSS, the victim alleged that there were altogether four other persons, namely, Rupesh, Pritesh, Randhir Sharma and Ameer



Sharma, and that Sachin Kumar forcibly made her sit in a Bolero Jeep by putting a handkerchief on her mouth, because of which she became unconscious. It is submitted that in both the statements, the common allegation of sexual assault and the specific acts leading to the alleged kidnapping are attributed only to Sachin Kumar. It is further submitted that petitioner no.2 is the mother of petitioner no.1 as well as of co-accused Sachin Kumar and, merely because of such relationship, both the petitioners have been implicated in the present case. It is submitted that, except for mere suspicion, there is nothing specific against the petitioners to show that they provided any assistance in the commission of the alleged offence. It is further submitted that the plea raised by the petitioners that petitioner no.1 was not present with co-accused Sachin Kumar at the time of the alleged occurrence, as he was appearing in his examination during the relevant period, has not been examined by the prosecution and no reference thereof finds place in the case diary. It is also submitted that petitioner no.1 is a student and, on the date of the alleged occurrence, had appeared in the B.A. (Humanities), Year-I, Semester-II examination in the Sports Science paper held on 29.08.2025. He had also appeared in the examinations held on 27.08.2025, 28.08.2025,



30.08.2025, 01.09.2025 and 02.09.2025. It is submitted that his examination centre was at Patna, whereas the alleged occurrence took place in Vaishali. It is further submitted that the examination records as well as the result have been brought on record to establish his bona fide. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, learned APP for the State and learned counsel appearing for the informant have opposed the prayer for anticipatory bail. However, upon being confronted with the aforesaid submissions and after going through the case diary, learned counsel for the informant was not in a position to controvert the submissions advanced on behalf of the petitioners.

6. Considering the facts and circumstances of the case and taking into account that the specific allegations are against co-accused Sachin Kumar, whereas only general and omnibus allegations have been levelled against the present petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Vaishali, Hajipur/Successor Court in connection with Desari P.S. Case No.319 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/ known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) 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 his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) 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.

(Ajit Kumar, J)

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