

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40168 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- GAIGHAT District- Muzaffarpur

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1. Vibha Devi, W/o Dinesh Ray,
 2. Dinesh Ray, S/o Late Sitaram Rai
- Both are resident of Village- Loma, P.S.- Gaighat, District- Muzaffarpur
... .. Petitioners

Versus

1. The State of Bihar
 2. X, W/o “Mr. Y” Resident of Village-Loma, P.S.-Gaighat, District- Muzaffarpur.
- Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioner are named in the FIR

and apprehending their arrest in connection with Gaighat

P.S. Case No.23 of 2026 registered under Sections 137(2)

and 96 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023

(in short 'B.N.S.').

3. As per FIR, the petitioners alleged to involve in

kidnapping of minor daughter of informant along with other

co-accused persons for the purpose of marriage/illicit

intercourse.



4. It is submitted by learned counsel appearing for petitioners that the daughter of informant was in love with Pramod Kumar, who is son of petitioners, which is the reason for their false implication out of oblique motive as to harass the entire family members. It is pointed out that the statement of victim was contradictory, as while recording her statement under Section 180 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS'), she stated that she left her parental home on account of torturous activities of her family members, saying nothing incriminating against petitioners and other co-accused persons, whereas while her statement recorded under Section 183 of the BNSS, she categorically stated that she was kidnapped by petitioners and others while she was collecting wood from '*chaur*'. Both petitioners claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of contradictory statement of victim as recorded under Sections 180 and 183 of the BNSS, as also the fact that the thrust of allegation is available against Pramod



Kumar, who is son of these petitioners, accordingly, both above-named petitioners, who are of clean antecedent, in the event of their arrest or surrender in the court below within a period of four weeks from today, are directed to be released on bail 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 Exclusive Special Court POCSO-III, Muzaffarpur in connection with Gaighat P.S. Case No.23 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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