

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44435 of 2025

Arising Out of PS. Case No.-887 Year-2024 Thana- SIKARPUR District- West Champaran

1. Shobhlal Mahto @ Shobha Lal S/o Ganesh Prasad R/o Village- Hansari, PS- Shikarpur, Dist- West Champaran
2. Pooja Devi W/o Gopal Agrawal R/o vill- Bhiwani, P.S.- Bhiwani, Distt.- Bhiwani (Hariyana)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikandra Mahto S/o Rameshwar Mahto R/o vill - Chegauna, P.S.- Shikarpur, Distt.- West champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-02-2026 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. No one appears on behalf of the informant.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 61(2), 96, 137(2), 351(2) and 351(3) of B.N.S. Act, 2023 & Section 4 of the POCSO Act.

4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a woman and the informant alleges that Satyam, on pretext of making inappropriate video of the minor aged about 14 years



viral, committed rape, thereafter on 29.10.2024 Satyam with the help of Kishan and Bittu kidnapped his minor niece and took her to Ghaziabad, on search Chandan disclosed that Satyam has taken his daughter for purpose of marriage and has kept her in the house of his aunt at Haryana, accordingly informant reached the house of Shobha Lal where Sonu, Kishan and Bittu were present from before, further alleges that in kidnapping Satyam was helped by Rinki and Chotan.

5. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 29.10.2024 and the victim came back on 02.11.2024, thereafter on 23.11.2024, a complaint case was instituted based on which the instant F.I.R. came to be instituted on 01.12.2024, it is thus submitted that if the date of occurrence is 29.10.2024, then why the informant did not institute any complaint case or an F.I.R. after the occurrence, as from perusal of the complaint, it would manifest that complainant alleges that date of occurrence is 29.10.2024 the victim came back on 02.11.2024 and thereafter he along with the victim went to the police station for instituting an F.I.R. but when police did not institute the F.I.R., the complaint case was instituted on 23.11.2024. It is further



submitted that in sum and substance the case of kidnapping was instituted after the victim returned, which casts an aspersion on the case of the prosecution. It is next submitted that the statement of the victim was recorded under section 183 BNSS wherein she supported the case of the prosecution, but then the same was recorded under parental pressure. It is also submitted that petitioner no. 1 is not related to Satyam or his family in any manner and petitioner no. 2 is aunt of Satyam who stays at Haryana. It is also submitted that thrust of allegation is against Satyam. It is also submitted that Vikesh Kumar along with Sonu had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 18416 of 2025 and the same came to be allowed by an order dated 15.05.2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that no case came to be instituted after the victim is alleged to have been kidnapped rather a complaint case was instituted after the victim returned.

7. Considering the submissions made by the learned counsel for 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 learned trial court where the case is pending/successor court in connection with Shikarpur P.S. Case No.887 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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