

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52537 of 2025

Arising Out of PS. Case No.-45 Year-2022 Thana- SIKARPUR District- West Champaran

1. Sudish Kumar @ Bhulai S/o Late Sahbir Mahato R/o vill - Bhasurari, P.S.- Shikarpur, Distt.- West Champaran
2. Chhotelal Kumar S/o Satan Mahto R/o Baswariya, P.S.- Sathi, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/o Banu Paswan R/o Bhasurari, P.s- Shikarpur, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-01-2026 Heard learned counsel for the petitioners and learned

APP for the State. Nobody has appeared on behalf of O.P. No. 2.

2. The petitioners seek bail in anticipation of their arrest in connection with Shikarpur P.S. Case No. 45 of 2022, instituted for the offences punishable under Sections 363, 366A, 341, 323 and 34 of the Indian Penal Code and under Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the allegation upon the petitioners is that they along with other co-accused persons had abducted the minor daughter of the informant.

4. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in this case and no specific overt act has been alleged against them. It is further



submitted that the main accused along with whom the daughter of the informant is said to have fled away has been granted regular bail by a co-ordinate Bench of this Court while the victim upon recovery was examined under Section 164 of the Cr.P.C. and she has not stated anything against the petitioners rather she has gone on to submit that it were the petitioners who had brought her on motorcycle at her uncle's place. It has further been submitted that the victim presently is married to a third person one namely Mannu Paswan. It is further submitted that this is one of the reasons that despite the valid service of notice nobody has entered appearance on behalf of O.P. No. 2.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioners are directed to 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, on his/her/their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 7th -cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 45 of 2022, subject to



the conditions as laid down under Section 482 of the BNSS and subject to 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 Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

krishna/-

U		T	
---	--	---	--

