IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59509 of 2026

CNR No. BRHC010829172026

Arising Out of PS. Case No.-119 Year-2026 Thana- SAKRA District- Muzaffarpur

==========

1. Md. Sahil Son of Md. Wakil Resident of Village- Dharamagatpur Boariya, P.S.- Sakara, District- Muzaffarpur.
2. Md. Mukhtar Son of Md. Wakil Resident of Village- Dharamagatpur Boariya, P.S.- Sakara, District- Muzaffarpur (At present residing at 9-33/3, Pratha Sharatnagar VTC, Muthangi, P.S.- Pathantheru, District- Madhak, Telangana Pin- 502300).

... ... Petitioner/s

Versus

1. The State of Bihar
2. X Wife of -Y Resident of Village- Dharmangatpur Panchayat, Vidyajhap, Ward No. 8, P.S.-Sakra, District- Muzaffarpur.

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Pradeep Kumar Sinha, Advocate
For the State : Mr. Akshay Lal Pandit, A.P.P.
For the O.P. No. 2 : Mr. Rajesh Kr. Sinha, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 27-10-2026 Heard learned counsel for the petitioners, opposite party no. 2 and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 137(2), 96 of the Bharatiya Nyaya Sanhita to which Section 8 of the Protection of Children from Sexual Offences Act was added later on.

3. As per the prosecution case, which has been lodged on the basis of the written report submitted by the informant to the effect that on the date of occurrence there was a death in the

WEB COPY

village and the daughter of the informant had gone there. While she was returning then her co-villagers named in the F.I.R. kidnapped her daughter. It was further alleged in the F.I.R. that the daughter of the informant was kidnapped with a view to marry her with petitioner no. 1 and when she did not find her daughter then she asked from co-accused Md. Naushad about her whereabouts, then she was informed that if she would have agreed for marriage, the present occurrence would not have happened.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Petitioner no. 2 is not named in the F.I.R. and there is no specific allegation of overt act against these petitioners. It is further submitted that though in the statement of the victim recorded under Section 183 BNSS, she stated that petitioner no. 1 sexually assaulted her on the pretext of marriage and the accused persons took her to Kolkata but subsequently, informant filed a petition before the Court of learned Special Judge, POCSO-I at Muzaffarpur, wherein informant stated that her daughter went to Kolkata on her own, since she was scolded by the informant. It is further submitted that dispute between the parties has already been resolved and informant does not want

WEB COPY

to pursue the case further.

5. Learned counsel for the opposite party no. 2 does not dispute the contention made on behalf of the petitioners with regard to settlement of the dispute between the parties.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-I, Muzaffarpur in connection with Sakra P. S. Case No. 119 of 2026, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

Navya/-

U		T	

WEB COPY