IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63413 of 2026

CNR No. BRHC010902552026

Arising Out of PS. Case No.-333 Year-2025 Thana- KHARIK District- Bhagalpur

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1. Usha Devi, W/o- Prabhu Das, R/V- Kharik Bazar, P.S.- Kharik Dist- Bhagalpur
2. Prabhu Das, S/o- Late Yogendra Das, R/V- Kharik Bazar, P.S.- Kharik, Dist- Bhagalpur
3. Shubham Kumar, S/o- Prabhu Das, R/V- Kharik Bazar P.S.- Kharik, Dist- Bhagalpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Rupam Devi, W/o- Sunil Kumar, Vill- Kharik Bazar, PS- Kharik, District- Bhagalpur.

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. Deepak Kumar, Advocate
For the State : Mr. Nityanand, APP
For the informant : None.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 29-10-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The present petition has been filed on behalf of the petitioners under Section 482 of the B.N.S.S. for anticipatory bail apprehending their arrest, in connection with Kharik P.S. Case No. 333 of 2025, dated 04.11.2025, registered for the offences punishable under Sections 137(2), 96, 140(3),61(2) and 3(5) of BNS. Similar application filed by the Petitioners has been rejected by learned Court of Sessions vide order dated

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18.02.2026, passed in A.B.P. No. 30 of 2026.

3. As per allegation, fourteen year old daughter of the informant/lady was kidnapped by the accused persons including the petitioners and the informant apprehended that indecent work may be committed against her daughter.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that no offence as alleged has taken place at all. He also refers to the Statement of alleged victim as recorded under Section 183 of BNSS in which she clearly deposed before learned Judicial Magistrate that nobody had kidnapped on 02.11.2025. She had voluntarily left her home to go to the house of her *Mausi* because she was beaten by her mother/informant and, thereafter, she went to the house of her *Mausi*, who is living at Khirari. Thereafter, she came back to her home on 05.11.2025. It is further submitted by learned counsel for the petitioners that in the statement of the alleged victim she has stated her age before learned Judicial Magistrate as 16 years in which she has clearly deposed that no offence has been committed against her and the petitioners are innocent.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier

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either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed,** directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Kharik P.S. Case No. 333 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

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(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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