

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62780 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- MANSI District- Khagaria

1. Sunita Devi W/o Prithvi Mahto R/o vill - Choti Balha, P.S.- Mansi, Distt.- Khagaria
2. Prithvi Mahto S/o Late Bhikho Mahto R/o vill - Choti Balha, P.S.- Mansi, Distt.- Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Nand Kumar, A.P.P.
For the Informant	:	Md. Mumtaz Uddin, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 18-03-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 137(2), 140(3), 87, 3(5) of BNS.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case being maternal grandparents of Bhanu. It is next submitted that Bhanu and the victim were in love and they eloped. It is further submitted that from perusal of the FIR it would manifest that the date of occurrence is 11.07.2025 and the FIR came to be instituted on



21.07.2025 i.e., after a delay of more than ten days. It is further submitted that even informant was aware that the victim was not kidnapped or else the informant would have instituted an FIR promptly. It is next submitted that the victim has come back and her statement was recorded under Section 180 of BNSS and under Section 183 of BNSS. It is further submitted that the victim in her statement recorded under Section 180 of BNSS has not supported the case of the prosecution but then in her statement recorded under Section 183 of BNSS has supported the case of the prosecution and has stated that these petitioners kidnapped her for the purposes of marrying Bhanu and thereafter she was taken to Munger where Bhanu put vermilion on her forehead and the accused persons did not allow her to talk to anyone for six months and later she voluntarily came to the SP Office, Khagaria. Learned counsel for the petitioners further submits that from perusal of her statement recorded under Section 183 of BNSS it would manifest that though the victim has stated that she was kidnapped by the accused persons but then has not stated anything alleging that she was physically exploited which amply demonstrates that under parental pressure, the statement of the victim was recorded under Section 183 of BNSS when before the police, the victim has not



supported the case of the prosecution in her statement recorded under Section 180 of BNSS. It is further submitted that statement of the victim recorded under Section 180 of BNSS and the statement recorded under Section 183 of BNSS is similar but then the only difference is that in her statement recorded under Section 183 of BNSS, she has stated that petitioners kidnapped her. Learned counsel for the petitioners submits that it does not appear probable that maternal grandparents would have kidnapped the victim for the purposes of marrying their grandson. It is asserted and submitted that Bhanu and victim were in love but in order to coerce Bhanu into submission, a false case came to be instituted after a delay of ten days.

4. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission made by learned counsel for the petitioners that the FIR was instituted after a delay of ten days and that the statement of the victim recorded under Section 180 of BNSS does not support the case of the prosecution and her statement recorded under Section 183 of BNSS is similar to the statement recorded under Section 180 of BNSS but then the only difference is that in her



statement recorded under Section 183 of BNSS, she has stated that petitioners kidnapped her.

5. 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 the learned trial court where the case is pending/successor court in connection with Mansi P.S. Case No. 179 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

Gaurav Sinha/-

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