

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78182 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- CHORAUT District- Sitamarhi

1. Ashutosh Kumar @ Ashutosh Chaudhary S/o Shyam Sunder Chaudhari R/o 510, Tower 5, NCC Urban One Manchirevula, Narsingi, PS- Narsingi, Distt- K.V, Rangareddy, Telangana
2. Sarita Sangam @ Anshu Kumari W/o Ashutosh Kumar @ Ashutosh Chaudhary R/O vill-Bari Behata Ward no.-6, P.S. - Choraut, Dist.- Sitamarhi. R/o 510, Tower 5, NCC Urban One, Manchirevula, Narisingi, P.S.- Narsingi, Distt.- K.V. Rangareddy, Telangana

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baijnath Mukhiya S/o Late Ramjatan Mukhiya R/o vill - Choraut Uttari, ward no. 2, P.S.- Choraut, Distt.- Sitamarhi

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66954 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- CHORAUT District- Sitamarhi

Baidya Nath Mishra @ Bukku Mishra S/o Late Saryu Nandan Mishra R/o Village - Choraut Uttari, Ward No.- 02, P.S - Choraut, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baijnath Mukhiya S/o Late Ramjatan Mukhiya R/o Village - Choraut Uttari, Ward No.- 02, P.S - Choraut, District - Sitamarhi

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78182 of 2025)

For the Petitioner/s : Mr. Ritesh Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

For the O.P. No. 2 : Mr. Dinesh Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 66954 of 2025)

For the Petitioner/s : Mr. Ritesh Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

For the O.P. No. 2 : Mr. Dinesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 31-03-2026 Both the aforementioned cases are being disposed of



by a common order.

2. Heard learned counsel for the petitioners, opposite party no. 2 and the State.

3. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 8 of the Protection of Children from Sexual Offences Act.

4. As per F.I.R., on 04.04.2025, these petitioners came at the residence of informant and took away his 10 year old son to their village, where they assaulted and threatened him and took him to Hyderabad. After one month, on repeated requests by the informant, petitioner, namely, Baidya Nath Mishra returned his son to the informant. Informant alleges that these petitioners committed cruelty upon him. They burnt his private part and used to keep his hands and legs tied and gave him toilet water to drink.

5. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. As per F.I.R., though informant came to know about the incidents from his son on 05.05.2025 but written report for the same was lodged on 11.05.2025 i.e., after inordinate delay of six days



without any plausible explanation. As a matter of fact, petitioners, namely, Ashutosh Kumar and Sarita Sangam live in Hyderabad with their two children and when they went to the ancestral village of Sarita Sangam, informant and his wife, being very poor, requested them to take their son with them to Hyderabad so that he can get a good life and upon their request, petitioners, namely, Ashutosh Kumar and Sarita Sangam took their son with them to Hyderabad and used to treat him like their own child. They even took him to Malikarjuna Swamy Temple with them for *darshan* on 16.03.2025, which is evident from the ticket issued by the temple (Annexure-P/2). It is further submitted that in fact, son of the informant used to sexually abuse/assault their four year old daughter and when Sarita Sangam came to know about the same, she slapped the son of informant and isolated him in a room and told about the incident to the informant. Ultimately, the son of informant was sent back from Hyderabad with petitioner, namely, Baidya Nath Mishra. Thereafter, petitioner, namely, Ashutosh Kumar filed a petition before the Narsingi Police Station, Cyberabad, Telangana on 08.05.2025 against the son of informant and immediately thereafter, informant filed a petition before the Court of learned District & Additional Sessions Judge-VI-cum-Special Judge,



POCSO, Sitamarhi on 06.06.2025 to the effect that *Gotiya* of petitioner, namely, Baidya Nath Mishra had taken his signature on a typed petition and on the basis of the same present case has been instituted, but now, after coming to know about the real fact, informant is not interested in pursuing the case any further, an affidavit was also filed along with the petition on 06.06.2025 in this regard (Annexure-P/4). Petitioners claim clean antecedent.

6. Learned counsel for the opposite party no. 2 does not dispute the contention made on behalf of the petitioners regarding the fact that informant does not want to pursue the case any further.

7. 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 District & Additional Sessions Judge-VI-cum-Special Judge, POCSO, Sitamarhi in connection with PTN 1554/2025 arising out of Choraut P. S. Case No. 69 of 2025, subject to condition as laid down under



Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita,
2023.

(Prabhat Kumar Singh, J)

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