

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74062 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- ALOULI District- Khagaria

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1. Fudani Devi @ Fudali Devi W/o Shambhu Yadav R/o Village- Madhupar, P.S.- Alouli, District- Khagaria at present R/o Village- Sanjhoti, P.S.- Alouli, District- Khagaria
 2. Gourav Kumar @ Gorav Kumar S/o Shambhu Yadav R/o Village- Madhupar, P.S.- Alouli, District- Khagaria at present R/o Village- Sanjhoti, P.S.- Alouli, District- Khagaria
 3. Shambhu Yadav S/o Late Jugo Yadav R/o Village- Madhupar, P.S.- Alouli, District- Khagaria at present R/o Village- Sanjhoti, P.S.- Alouli, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Leelam Devi W/o Ranveer Yadav R/o Village- Sanjhouti, Ward No. 10, P.S.- Alouli, District- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar Kashyap, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh No. 1, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-02-2026 Heard Mr. Chandan Kumar Kashyap, learned counsel for the petitioners and the Mr. Jitendra Kumar Singh, learned APP as also Mr. Rajesh Kumar representing the informant.

2. The petitioners are apprehending their arrest in connection with Alouli P.S. Case No. 51 of 2025 for the offence registered under sections 137(2), 96 and 140(3) of the B.N.S. and section 4 of the POCSO Act lodged on 05.02.2025 by the informant, Leelam Devi.

3. As per the prosecution story, the informant who is



mother of the victim alleged that on 01.02.2025, as her daughter was sleeping with the grandmother, the petitioner no. 2, Gaurav Kumar entered the house and took away her daughter and he was well supported by her family members. This led to the FIR.

4. On 19.11.2025, this Court while issuing notice to the opposite party no. 2, gave a direction for providing the case diary, the criminal antecedent report as also the statement of the victim girl. The same have been received and this Court has gone through the statement made by the victim girl, according to which, she was in relationship with the petitioner no. 2, Garurav Kumar which was opposed by the family members and as such, she left her home on 01.02.2025. She called Gaurav Kumar (petitioner no. 2) and thereafter, they went to Delhi and tied nuptial knots. The age of the victim has been recorded as seventeen years but as per her statement, she left the place on her own and no charge of kidnapping has been made.

4. Learned counsel for the petitioners submit that in such relationship, not only the family members oppose it, once the girl leaves the home on her own, the entire family members are made accused. The petitioner no. 1, Fudani Devi is the mother of the petitioner no. 2 while petitioner no. 3, Shambhu Yadav is his father.



5. Learned counsel for the informant on the other hand opposes the prayer submitting that the girl was not major.

6. Taking into account the submissions of the parties as also the statement of the victim girl that she left the home on her own and has not alleged anything against these petitioners as also they have no criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 51 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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