

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70801 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- MIRGANJ District- Gopalganj

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1. Ajit Kumar Sahani @ Ajit Sahani @ Bhagat Sahani @ Bhagat S/O Bikrama Prasad @ Bikrama Sahani R/O Village- Jigna Malahi Tola, P.S.- Mirganj, District- Gopalganj
 2. Bikrama Prasad @ Bikarma Sahani S/O Late Ganesh Malah R/O Village- Jigna Malahi Tola, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Salehiya Devi W/O Om Prakash Sharma R/O Village- Jigna Malahi Tola, P.S.- Mirganj, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devashish Giri, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Saurabh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-02-2026 Heard the learned Advocate for the petitioners, learned Advocate for the informant and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mirganj P.S. Case No. 105 of 2025, registered for the offences punishable under Sections 137(2) and 96 of the BNS.

3. In the fateful night, while the minor daughter of the informant was sleeping in her room, in the meantime, the informant got up at 01:30 AM, she found that her daughter was not in her bed. Later on, when the informant enquired the matter and tried to find out the whereabouts of her daughter, she came to



know that one Rahul Kumar and unknown boy were seen taking the victim on their motorcycle. This led to institution of the FIR.

4. Learned Advocate for the petitioners contended that admittedly the FIR has been instituted against co-accused Rahul Kumar, that too after a delay of seven days, without there being any plausible explanation. Subsequently thereto, the victim was recovered and her statement was recorded by the police under Section 180 of the BNSS, wherein she has alleged about the complicity of the petitioners, but when her statement was further recorded under Section 183 BNSS, she has not even whispered that the petitioners have anyhow sexually assaulted except stated they were accompany with co-accused Rahul Sahani. The reason behind the false implication is said to be a prior complaint case instituted by the sister of co-accused Rahul Sahani, wherein the petitioner no. 1 and her mother were complaint witnesses. The copy of the complaint has been placed on record as Annexure-P/4. It is lastly contended that be that as it may, the petitioners are men of fair antecedent and they undertake that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that there is specific accusation against the petitioners that they have forcibly



abducted the victim girl and the prior enmity is a two edged sword, which cuts both the sides; hence the complicity of the petitioners cannot be ruled out.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the statement of victim recorded under Section 183 BNSS, as also the materials available on record suggesting prior enmity, coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 105 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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