

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74803 of 2025

Arising Out of PS. Case No.-171 Year-2025 Thana- CHAUTHAM District- Khagaria

1. Ravi Kumar S/o Bhola Prasad Res OF Village- Bhutauli Malpa, PS- Chautham, District- Khagaria
2. Bhola Prasad S/o Late Paltu Prasad @ Palat Prasad Res OF Village- Bhutauli Malpa, PS- Chautham, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anuranjan Kumar S/o Suresh Prasad Resident of Village- Bhutauli Malpa, PS- Chautham, District- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandan Kumar Kashyap, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr.Ravi Shankar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-02-2026 Heard Mr. Chandan Kumar Kashyap, learned counsel for the petitioners and Mr. Ravi Shankar Roy, learned counsel for the informant as also Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Chautham P.S. Case No. 171 of 2025 instituted under Section 96, 3(5) of the Bhartiya Nayay Sanhita, 2023 and section 8 of POCSO Act lodged on 01.07.2025 by the informant, Anuranjan Kumar.

3. As per the prosecution story, the informant alleged that the daughter went out to study but failed to return and



alleging the role of the family of the petitioner as also the Saurabh Kumar, the FIR.

4. In this case, the Court issued notice to opposite party no.2 and also called for the case diary. While the informant has appeared and the case diary on record. The statement made by the victim girl shows that she went on her own to Punjab as she was always scolded by the mother for the studies. This has been recorded at para-69 of the case diary on 25.07.2025.

5. Learned counsel for the informant submits that subsequently, she made an application and gave the second statement alleging the role of the accused persons. However, on perusal of the case diary, this Court finds that there is no such second statement on 31.07.2025.

6. It has further been informed by the informant that subsequently, they again ensured the disappearance of the girl who is still traceless for which a petition was preferred on 16.10.2025 which is part of the record of the case diary.

7. Learned counsel for the petitioner submits that not only Saurabh Kumar and the girl were in relationship, the girl gave her statement voluntarily but after five days, the family pressurized her to give another statement. The medical report



shows that she is between 17-18 years.

8. Considering the aforesaid facts and taking into account that the petitioner no.1 is the brother of the main accused, Saurabh Kumar while the petitioner no.2 is the father, both do not have criminal antecedent, the second statement of the victim girl is not on record and also recorded the submission of the learned counsel for the petitioner that so far as Saurabh Kumar is concerned, to the best of his knowledge, he has probably not been granted relief till date, in that background, this Court is of the opinion that the petitioners being the brother and father deserve bail.

9. Having recorded the order, this Court has taken note of the fact that the second petition shows that the girl has once again disappeared whether voluntarily or with the help of Saurabh Kumar, in that background, the Superintendent of Police, Khagaria is requested to look into the matter and form a team headed by a Dy.S.P. to ensure that the girl is recovered. Both these petitioners shall be providing their mobile numbers and cooperate in the police investigation to ensure recovery of the girl.

10. Needless to add, the other family members are also required to provide their mobile numbers as the recovery of



the girl should be the priority of the police.

11. Let the petitioners be released on bail, in the event of their arrest or surrender before the concerned court 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 the like amount each in connection with Chautham P.S. Case No. 171 of 2025 to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(ii) The petitioners shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) 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;

(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.

12. Let a copy of this order be sent to the Superintendent of Police, Khagaria for his/her perusal and needful.

(Rajiv Roy, J)

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