IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76630 of 2026

CNR No. BRHC011106512026

Arising Out of PS. Case No.-402 Year-2025 Thana- BIDUPUR District- Vaishali

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Suman Devi W/O Sanjay Ray R/O Vill.- Jurawanpur, P.s.- Bidupur, Dist.- Vaishali.

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. X S/O Y R/O Vill.- Jurawanpur, P.s.- Bidupur, Dist.- Vaishali.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms.Eashita Raj, Adv.
Ms. Nupur, Adv.
For the State : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bidupur P.S. Case No. 402 of 2025, registered for the offences punishable under Sections 96, 137(2) and 3(5) of the BNS, 2023 and Section 4/6 of the POCSO Act.

3. The prosecution case, in brief, is that the informant’s 15-year-old minor sister went missing on 08.06.2025 while returning from Chaurasan Bazar. Subsequently, she was seen going towards Hajipur with the five named accused persons, who, in collusion, are alleged to have kidnapped her for the purpose of marriage, illicit acts or human

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trafficking.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. He is a person of clean antecedent. He is not named in the FIR.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. In the *fard beyan*, the accused no. 1 has been named as Suman Devi, wife of Sundeshwar Rai. The petitioner although bears the same name but she is wife of Sanjay Ray and also related to the main accused. She is the maternal aunt of the main accused.

7. Under this mistaken identity, the petitioner apprehends arrest. The petitioner also does not bear any criminal antecedent, as disclosed by her in paragraph-3 of the bail application. Under theses circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner.

8. Let the petitioner, as named above, in the event of her arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI-cum-Special Judge, POCSO, Vaishali at Hajipur in connection

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with Bidupur P.S. Case No. 402 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) The petitioner shall co-operate in the investigation/ trial.

(ii) The learned Court below would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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