

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76862 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- BAIRIYA District- West Champaran

1. Raju Mukhiya S/O Late Harinarayan Mukhiya R/O Village- Bairiya, P.S- Bairiya, Distt.- West Champaran.
2. Malakh Mukhiya S/O Late Harinarayan Mukhiya R/O Village- Bairiya, P.S- Bairiya, Distt.- West Champaran.
3. Indu Devi W/O Late Harinarayan Mukhiya R/O Village- Bairiya, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalsha Devi W/O Prabhu Mukhiya R/O Village- Bairiya, P.S- Bairiya, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 18-04-2026 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bairiya P.S. Case No. 193 of 2025 registered for the offence punishable under Sections 137(2), 96, 126(2), 115(2), 352 of the BNS and Section 8 of the POCSO Act.

3. Allegation is of kidnapping the minor daughter of the informant on the pretext of marriage.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they



have falsely been implicated in the case. The victim in her statement recorded under Section 183 BNSS has not supported the prosecution story. The petitioners have clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submitted the victim is a minor and marriage with minor is an offence. The petitioners don't deserve to be released on pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., the victim in her statement recorded under Section 183 BNSS has not supported the prosecution case rather she has admitted that she on her free will being adult has solemnized marriage with one Surajbhan Mukhiya, the petitioners, prima facie, have made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Bairiya P.S. Case No. 193 of 2025,



subject to the condition as laid down under Section 438(2)
Cr.P.C / 482(2) BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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