

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80043 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- LAXMIPUR District- Jamui

Saraswati @ Saraswatiya Devi W/O Chhapli @ Chandan Manjhi R/O
Village- Harma Phadi, P.S.- Laxmipur, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Achal Turi D/o Late Suraj Turi R/v - Harma Phadi, P.S. - Laxmipur, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2026 Heard Mr.Niranjan Parihar, learned counsel for the

petitioner and Mr.Shailendra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
06.07.2025 in connection with Laxmipur P.S. Case No. 45 of
2025, F.I.R. dated 19.02.2025 registered for the offence
punishable under Sections 139,140(3),141,123,3(5)of BNS,2023
and Section 8 and 12 of POCSO Act.

3. The prosecution case, in short, is that on
17.02.2025, accused persons including the petitioner are alleged
to have kidnapped the daughter (the victim) of the informant.

4. Learned counsel appearing for the petitioner



submits that despite valid service of notice upon opposite party No.2, no one appears on behalf of opposite party No.2. Further submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. From a bare perusal of the FIR it appears that no case is made out against the petitioner in the present case and the present FIR has been instituted only to harass the petitioner. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 06.07.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (POCSO) Jamui in connection with Laxmipur P.S. Case No. 45 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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