

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85330 of 2025

Arising Out of PS. Case No.-185 Year-2025 Thana- SRINAGAR District- West Champaran

1. Mosmat Uma Devi @ Musmat Uma Devi W/o Late Madan Yadav R/o Village - Ranaha Ghorahiya, P.S - Sirisiya, District - West Champaran
2. Mahesh Yadav @ Muklesh Yadav S/o Late Madan Yadav R/o Village - Ranaha Ghorahiya, P.S - Sirisiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarvesh Kashyap, Adv.
For the informant		Mr. Mayank Mohon, Adv.
For the Opposite Party/s	:	Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Srinagar P.S. Case No. 185 of 2025 dated 30.07.2025 registered for the offences punishable under Sections 137(2), 96, 351(2) and 3(5) of the B.N.S.

3. As per the prosecution case, the informant has alleged that his minor daughter had gone to attend the call of nature and it is alleged that the co-accused namely Arun Yadav made her sit on a motorcycle and both fled away. It has further been alleged that when the informant went to the house of Arun



Yadav, his mother and brother (petitioners) abused him and threatened him to go away.

4. The learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case and they have no concern whatsoever with the elopement of the informant's daughter with the said Arun Yadav, who happens to be the son and brother of the petitioners respectively. It has further been submitted that the petitioner no. 1 is a widow and the petitioner no. 2 is her son and they were not aware of the elopement of the said Arun Yadav along with the victim. It has further been submitted that when the impugned order was passed, the victim was traceless but the victim has been traced and her statement has been recorded by the police wherein she has not alleged any specific overt act against these petitioners and she has also stated that she had gone with Arun Yadav out of her own sweet will. It has lastly been submitted that the petitioners have clean antecedent.

5. The learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that these petitioners were hand in gloves with the said Arun Yadav and they had deliberately not disclosed the whereabouts of the victim and



despite being given chance to trace the victim along with their son and brother respectively, they did not help in investigation and therefore the bail application should not be entertained.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case that the victim has been recovered and there is no specific allegation of overt act against these petitioners, the petitioners above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bonds of Rs. 10,000/-(Rupees Ten Thousand)each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Shrinagar P.S. Case No. 185 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.



(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedents, the trial court shall take necessary steps for cancellation of bail bonds of the petitioners. 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.

7. Learned trial court is directed to first verify the factum of the recovery of the victim and shall also verify whether the statement of the victim was recorded by the police and the magistrate, if any, before accepting the bail.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

(Sourendra Pandey, J)

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