

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2528 of 2025

Arising Out of PS. Case No.-199 Year-2021 Thana- BELA District- Sitamarhi

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1. Nandlal Sah S/O Shivcharan Sah Village- Laxmipur, Ward no -2 ,P.S.- Bela , District- Sitamarhi
 2. Asha Devi @ Jirsa Devi @ Nirasa Devi W/O Nandlal Sah Village- Laxmipur, Ward no -2 ,P.S.- Bela , District- Sitamarhi

... .. Petitioners

Versus

1. The State Of Bihar
2. Mr. X

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Devendra Kumar, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP
For the O.P. No. 2	:	Mr. Parwej Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

10 25-02-2026 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2/informant.

2. The petitioners are apprehending their arrest in connection with Bela P.S. Case No. 199 of 2021 registered for the offences punishable under Sections 341, 323, 376, 504/34 of the IPC and Section 4 of the POCSO Act.

3. As per prosecution case, informant's wife used to serve as a maid servant in the house of petitioner no. 1/Nandlal Sah. It is further alleged that when informant's wife fell ill, informant's daughter was doing the said work in the house of



petitioner no. 1. It is further alleged that co-accused Ramkrishna Sah committed rape on the informant's daughter but she did not tell the said incident to the informant due to shame. It is further alleged that on the pretext of marriage, co-accused Ramkrishna Sah used to establish physical relation with the informant's daughter due to which she became pregnant and when informant as well as his wife went to the house of petitioner no. 1 to complain the said matter, petitioners and others abused the informant, his wife and his daughter and suggested for abortion. It is further alleged that all the accused persons, including the petitioners, concertedly assaulted the informant and his wife by means of leg, fist and lathi and also threatened them to keep mum, otherwise they would be sent to jail.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. He further submits that there is no specific allegation against the petitioners rather the allegations are general and omnibus in nature. Specific allegation of committing rape is against co-accused Ramkrishna Sah, who happens to be the son of the petitioners. Basically, petitioners have no role in the alleged occurrence and being parents of the co-accused Ramkrishna Sah, they have been falsely implicated



in this case. Prudently and pragmatically, petitioners being father and mother of co-accused Ramkrishna Sah have no say in the allegation as alleged in the initial version of prosecution story and the case has been lingered just because of conduct of the victim as she was not ready for DNA test. He further submits that from perusal of the FIR, it appears that no offence under Section 376 of the IPC and Section 4 of the POCSO Act, as alleged, is made out against the petitioners but petitioners have been made accused just to pressurize them as they are parents of co-accused Ramkrishna Sah. Learned counsel orally submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence. He further submits that the petitioners have been made victim though they have no role so far as the allegations under Section 4 of POCSO Act and 376 of the IPC are concerned and others allegations are ornamental in nature just to harass the petitioners. Apart from that, petitioners have no criminal antecedent. In the light of aforesaid facts and circumstances of the case, no offence as alleged in the FIR is made out against the petitioners.

5. The learned A.P.P. for the State and learned counsel for the opposite party no. 2/informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that



petitioners are FIR named accused and they cannot negate the allegation levelled in the FIR. They further submitted that initial version of prosecution story has been supported by the informant in his re-statement as well as by statement of other witnesses recorded at para 6 and 7 of the case diary. Hence, the petitioners do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, there is no allegation of commission of rape against any of the petitioners rather there is general and omnibus allegation of abuse and assault against them, even in the statement of victim recorded under Section 164 of the Cr.P.C. there is no specific allegation against the petitioners so far Section 376 of the IPC and Section 4 of the POCSO Act are concerned, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Bela



P.S. Case No. 199 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is clarified that any observation made by this court while considering the bail application of the petitioners shall have no bearing over the merits of the case.

(Alok Kumar Pandey, J)

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