

**IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM-  
SPECIAL JUDGE (SC/ST, NDPS & CHILDREN ACT)  
AURANGABAD (BIHAR)**

**ANTICIPATORY BAIL APPLICATION NO. 533 OF 2026**

**DAUDNAGAR PS CASE NO: 41 OF 2026**

- 1. Nagina Devi, aged about 48 years, W/o- Butai Ram**
- 2. Butai Ram, aged about 49 years, S/o- Ramlal Ram**
- 3. Krishna Kumar, aged about 28 years, S/o- Butai Ram**
- 4. Gyanti Kumari, aged about 22 years, D/o- Butai Ram**

**All R/o Village-Musepur, Khaira, PS-Daudnagar District-Aurangabad(Bihar)**

**....Petitioners**

**Versus**

**State of Bihar**

**....Prosecution**

**Appearance:**

Learned Counsel for the accused-petitioner  
Learned Counsel for the State

- Shri Chandrakanta Kumari, Ld. Advocate  
- Shri Ram Naresh Prasad, Ld. APP

**Order with signature of the Court**

**Dated**  
**19.03.2026**

An anticipatory bail preferred on behalf of the accused-petitioners namely **1. Nagina Devi, 2. Butai Ram, 3. Krishna Kumar and 4. Gyanti Kumari**, who apprehend their arrest in connection with Daudnagar PS Case No. 41/2026 under Section 137(2), 96 of the Bhartiya Nyaya Sanhita (BNS), 2023. The CD has been received. The copy of the bail petition has been served to the Ld. APP for the State. After furnishing the copy of the bail petition to the Additional Public Prosecutor and this bail petition pressed today.

The learned counsel for the petitioners pressing the bail application, reciting the contents of the F.I.R. has tried to show that the accused-petitioners are innocent and they have committed no offence. No any bail application has earlier been filed on behalf of the petitioner either before this court or any other court of law. It is further submitted that petitioners have falsely been implicated in the case due to family members of the co-accused Vishnu Kumar and they never participated in the alleged occurrence as they did not know about the matter. From perusal of the FIR the informant's daughter Soni Kumari left her house voluntarily. The informant's daughter Soni Kumari is a major girl and she is aged about of 19 years old and xerox copy of her Aadhar-card is filed with the bail petition. The alleged sections are not applicable against the petitioners. It is also further submitted that petitioner no.1 & 2 are mother and father of co-accused Vishnu Kumar, and petitioner no.3 & 4 are brother and sister of co-accused Vishnu Kumar. The accused-petitioners have no

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criminal history. The learned counsel for the accused-petitioners has submitted that they are ready to furnish bail bonds of reasonable amount to the satisfaction of this court. Hence, he prayed to enlarge the petitioners on anticipatory bail.

Per-contra, Shri Ram Naresh Prasad, the learned Additional Public Prosecutor appeared on behalf of the State and submitted that the petitioners has committed serious offence of kidnapping of a minor girl. Hence, prayed to reject the anticipatory bail petition.

Perused the case record as well as case diary and perusal of case diary, it transpires that the FIR is registered against the accused Vishnu Kumar, his two unknown friends and parents, elder brother and younger sister of Vishnu Kumar. The allegation against the petitioners is that the accused-petitioners are involved in the elopement of informant's minor daughter Sonali Kumari with co-accused Vishnu Kumari. Perusal of the case diary para- 2, 9 and 10 goes to show that in the course of investigation, re-statement of informant and the statement of the witnesses have been recorded by the I.O. of this case under section-180 BNSS. In their respective statements, the witnesses have supported the allegations of kidnapping and also stated that Vishnu Kumar's parents and his elder brother and younger sister are involved in the elopement of informant's minor daughter Sonali Kumari. From perusal of para-23 of the case diary, it appears that the victim girl has stated in her statement U/s-180 of the BNSS that she knew Vishnu Kumar since two years. She sometimes used to call him. On 5th. January, at about 11 O'clock she called Vishnu from another boy in her school and she went to his sister's house on Vishnu Kumari's bike. After that on 06.01.2026, he got married with Vishnu Kumar in Daudnagar, Surya Mandir. Further, para-24 of the CD, the documents attached with the case diary shows that the date of birth of the victim girl is 04.07.2011 in her School Transfer Certificate issued by Education Department, Govt. of Bihar, which is the age of a minor on the date of alleged occurrence. The victim Vidya Kumari was aged about 14 years 06 months and 01 day, on the date of occurrence, which shows that she is a minor and under the guardianship of her parents. The materials available on the judicial record reflects that this is the case of kidnapping and the facts also shows that the petitioners are involved in abduction of a minor girl and the investigation of this case is still pending.

So, Considering the facts and circumstances of this case and active involvement of accused-petitioners of kidnapping of a minor girl aged about 14 years, 06 months and 01 day, attracts the provision of POCSO Act, and offence is made out against

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the accused-petitioners, I am not inclined to enlarge the accused-petitioners namely **1. Nagina Devi, 2. Butai Ram, 3. Krishna Kumar and 4. Gyanti Kumari**, on anticipatory bail. Therefore, this anticipatory bail petition is hereby stand **rejected**.

**Dictated and corrected by me.**

(Vishwa Vibhuti Gupta)  
District & Additional Sessions Judge-1st-cum-  
Special Judge (SC/ST, NDPS & Children Act)  
Aurangabad, Bihar  
Dated: 19.03.2026

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