

In the Court of Sessions Judge, Supaul

A.B.A.-1859/2025

(Arising out of Nirmali PS Case No:-193/2025)

1. Vijay Kumar Sah @ Vijay Sah, S/o- Murari Sah;
2. Babita Devi, W/o- Vijay Kumar;
3. Murari Sah, S/o- Late Moti Lal Sah;
4. Badami Devi, W/o- Murari Sah, All R/o- Nirmali, Ward No.07, PS- Nirmali, District-Supaul;
5. Kishan Kumar, S/o- Pintu Mahto, R/o- Nirmali, Ward No.11, PS- Nirmali, District-Supaul;

.....Accused/Petitioners
Vs.

State of Bihar.O.P.

02/04/2026

Ld. Counsel for petitioners Sri. Santosh Suman, Advocate.

Ld. PP Sri. J.N.Pandey, for the State.

By this order we are going to dispose off the anticipatory bail application filed on behalf of two accused/ petitioners, namely 1. Vijay Kumar Sah @ Vijay Sah, 2. Babita Devi, 3. Murari Sah, 4. Badami Devi and 5. Kishan Kumar, who are apprehending their arrest in connection with Nirmali PS Case No.:-193/2025, u/s- 87, 3(5) of B.N.S.

Ld. counsel for the accused/ petitioners argued that accused/ petitioners are quite innocent and have committed no crime and they have falsely been implicated in this case due to dirty village politics. He further submitted that accused/ petitioners have not involved in any other case and having the clean antecedent. He further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioners. It is also submitted that accused/ petitioners are ready to abide by the provisions of section 482 of B.N.S.S, so they may be admitted to the anticipatory bail.

Ld. PP for the State strongly opposed the anticipatory bail application.

In brief, the prosecution story is that on dated 07.11.2025 at about 09:30 P.M, the daughter of the informant (name has not been disclosed here), aged about 17 years left the house for defecation and when she did not return till 09:30 P.M., then the informant and her family members have started searching the victim. They also tried to contact the victim from her relatives. Thereafter, it was came to the knowledge of the informant that Vikash Sah, Vijay Sah, Babita Devi, Lakshman Sah, Murari Sah, Badami Devi, Murali Kumar Mahto and Kishan Kumar Mahto have forcibly kidnapped her daughter to solemnize the marriage with Vikash Sah. The informant further alleged that on 08.11.2025 when the informant and her Devar gone to the house of Vikash Kumar Sah then his father Vijay Sah and grand father Murari Sah and other family members have abused and threatened the informant. The informant further alleged that her victim daughter has also taken away the golden chain, other jewelries and cash of Rs.50,000/- along with her educational certificates.

Argument heard from both sides and perused the record as well as case diary. On perusal of the case diary, it transpires that the police has also recorded the statement of

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witnesses namely Sumit Kumar, Ganesh Yadav and Khojnarayan Mahto. As per para No.09 of the case diary, the I.O also submitted the Registration Card of Bihar School Examination Board, Patna of the victim girl and as per the said document, the date of birth of the victim is 13.01.2007. During the course of investigation, the victim girl was recovered and her statement u/s- 180 of BNSS was recorded and she has specifically stated in her statement that accused Vikash Kumar Sah was known to her since last 4 years and she has solemnized the marriage with Vikash Kumar Sah and willingly to reside with him. Similarly, in her statement u/s- 183 of BNSS, the victim girl has not made any allegation against these accused/ petitioners and she has also refused to undergo the medical examination and as per the order of Ld. Magistrate, the victim girl was handed over to her father-in-law, Bambam Sah. The date of birth of the victim girl is 13.01.2007 and the offence was committed on 07.11.2025. Admittedly, the victim girl is above the age of 18 years and she has not made any allegation against these accused/ petitioners. No custodial interrogation of accused/ petitioners is required as the victim girl was handed over to the family members of the main accused. Hence, keeping in mind all the facts and circumstances, I find that all these accused/ petitioners are entitled to get the benefit of anticipatory bail. Therefore, the prayer for anticipatory bail of all accused/ petitioners stands **Allowed** and in the event of their arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, petitioners are directed to be released on furnishing bail bonds of Rs.20,000/- each with two sureties of like amount each to the satisfaction of Learned Court below with condition that they shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be the family member or close relative. Accused/ petitioners are further directed not to extent any threat or inducement to the victim girl and not try to temper the prosecution evidence.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul