

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5091 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- BALIA BELON District- Katihar

Md. Hashnain @ Md. Hasnain Son of Md. Yunus @ Chmri @ Oncesh
Resident of Village- Teghra, P.S.- Salmari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Belia
Belon P.S. Case No. 98 of 2024 instituted for the offences under
Section 137(2) of the BNS.

3. Allegation against the petitioner is of kidnapping the
informant's wife and daughter.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that from perusal of the FIR
it appears that the wife of the informant eloped with the
petitioner on her own sweet will and this petitioner played no
role in the elopement of the informant's wife and daughter.
Learned counsel further submitted that there is no medical



report to substantiate the claim as the informant's wife had refused to undergo medical examination and, therefore, it cannot be ascertained whether any forceful physical relationship was established or not. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that informant's wife in her statement recorded under Section 183 of the BNSS has specifically stated that this petitioner kidnapped her and committed rape upon her and, therefore, the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, Section 183 of the BNSS this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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