

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6772 of 2025**

Arising Out of PS. Case No.-172 Year-2024 Thana- KADWA District- Katihar

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1. Atabul S/o- Irfan Ali R/O Village- Kauamari, P. S- Azamnagar, Dist.- Katihar
  2. Md. Zamil Akhtar @ Md. Jamil S/o- Md. SARfuddin R/O Village- Kauamari, P. S- Azamnagar, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, A.P.P

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

3      09-05-2025                      Heard Learned Counsel for the petitioners and  
Learned A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Kadwa P.S. Case No. 172 of 2024 lodged on 14.08.2024, for the offence punishable under Sections 126(2), 115(2), 352, 137(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners against whom there is an allegation that they have kidnapped the informant's daughter.

4. Learned Counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Counsel submits that the informant's daughter has solemnized marriage with accused Jinar and she was residing with the said accused Jinar. Counsel submits that petitioner no.1 is the father of accused Jinar and petitioner no.2 is the maternal uncle of accused Jinar and they have unnecessarily been made accused in this case. Counsel further submits that the petitioners have no criminal antecedent and husband and wife are living happy married life.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that in the rejection order, it has been observed by the Sessions Court that the petitioners with the help of co-accused kidnapped the victim (informant's daughter) and solemnized marriage and later, they left the victim at unknown place and she has not been recovered as yet. The occurrence has also been supported by the witnesses during investigation.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners are hereby rejected.

7. However, if the petitioners surrenders before the Trial Court within a period of six weeks from today, then in that



case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioners have been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

Divyansh/-

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