

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10742 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Md. Dilshad @ Md. Dilshad Alam S/o- Md. Mohsin @ Md. Mosim, Resident
of village- Khorwa PS- Mufassil, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Rahmatullah, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 23-07-2025 Heard Mr. Md. Rahmatullah, learned counsel

 appearing on behalf of the petitioner and Mr. Ajit Kumar,

 learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Katihar (Mufassil) P.S.Case no.233 of 2024, registered for the
offences punishable under Section 87 of BNS.

3. As per the allegation made in the FIR, the petitioner
along with the other co-accused persons kidnapped the daughter
of the informant with an intention to marry.

4. Learned counsel appearing on behalf of the
petitioner submitted that the the statement of the victim has
been recorded under Section 183 of BNSS, in which she has
stated that no sexual assault has been made by anyone of the
accused persons. However, it has been alleged that she was



forced to marry with the co-accused Noor Alam. The petitioner is the cousin brother of the said Noor Alam and he was only present before the Registrar at the time of the court marriage. Learned counsel for the petitioner has submitted that the victim and the co-accused, Noor Alam, had willingly appeared before the Registrar for their court marriage. On these grounds, the learned counsel has denied the complicity of the petitioner in kidnapping of the victim girl, as well as, the petitioner has not forced the victim to marry with the co-accused. Petitioner has clean antecedent.

5. *Per contra* Mr. Ajit Kumar, learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He further submitted that the learned district court has not sent the statement of the victim recorded under Section 183 of BNSS.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the statement of the Investigating Officer, it appears that at the time of the court marriage of the victim and the co-accused, Noor Alam, the petitioner was present, as such, the complicity of the petitioner *prima facie* appears to have been made out, however, in want of the statement of the victim, I leave it open to the learned district



court to see whether the petitioner had forced the victim in any manner to marry with the co-accused, Noor Alam. In case, no such allegation has been made by the victim, then in that case, the petitioner is directed to be released on pre-arrest bail in connection with Katihar (Mufassil) P.S.Case No.233 of 2024 subject to conditions as laid down under Section 482(2) of BNSS of 2023 and the other terms and conditions as the learned district court deems fit and proper.

7. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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