

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13539 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Md. Najre Alam @ Najre Alam @ Md. Najre Aalam Son of Md. Nadi @ Guddu @ Md. Nadimguddu Resident of Village- Chaklokhaan, Ward No. 26, Gandhi Road, P.s.- Dalsingh Sarai, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hari Shankar Jha s/o late Bharat jha Vill-Pgra ward no-10 p.s- Dalsingh saria dist samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-07-2025 Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioner, the State, Mr. Bharat Bhushan as also Mr. Mritunjay Kumar representing the informant.

2. The petitioner is apprehending his arrest in connection with Dalsingh Sarai P.S. Case No. 87 of 2024 for the offence under sections 363, 366(A) and 34 of the Indian Penal Code lodged on 08.03.2024 by the informant, Hari Shankar Jha.

3. As per the prosecution story, the informant alleged that his daughter, 17 years old went out to purchase some articles but failed to return. Upon inquiry, the role of this



petitioner was found and accordingly apprehending something wrong has happened to the girl, the FIR.

4. The Coordinate Bench earlier called for the case diary while granting interim protection to the petitioner on 28.03.2025. The same has been received and paragraph 194 of the said case diary is dedicated to the statement made by the victim girl under section 164 of the Cr.P.C. According to her, she was in relationship with this petitioner, as there was protest in the family, she went to Delhi. Prior to that she was in Bangalore with her friend for two months and later upon reaching Delhi, she has solemnized marriage with this petitioner.

5. Learned counsel for the petitioner submits that he has no role in the disappearance of the girl as has been narrated by the victim herself. They solemnized marriage in Delhi and are now living together, he shall be diligently appearing in trial if granted relief and he has no criminal antecedent.

6. Learned counsel representing the informant on the other hand submits that the girl was minor and her consent has no meaning.

7. Taking into account the submissions of the parties as also the statement of the victim girl under Section 164 of the



Cr.P.C., FIR is there, petitioner is young, has no criminal antecedent and sending him to jail with dreaded criminals may ruin his future, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Dalsingh Sarai, Samastipur in connection with Dalsingh Sarai P.S. Case No. 87 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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