

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15824 of 2025

Arising Out of PS. Case No.-136 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Md. Jahir @ Md. Jahid Son of Late Kalam Resident of Village- Patti Ashwari,
PS- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Basanti Devi W/O Shatrudhan Sahani R/O Vill patli Ashwari P.S. Kathaiya
Dist Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. Ii

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 17-12-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Kathaiya Police Station Case No. 136 of 2022,
disclosing offences under Sections 363, 366, 34 of the Indian
Penal Code.

3. As per the prosecution case, on 30.08.2022, the
informant's 17-year-old daughter, Pinki Kumari, went to
coaching and did not return. Upon inquiry, it was alleged that
named co-villagers along with 3-4 unknown persons kidnapped
her and her friend Khushi Kumari, with apprehension of
misbehavior.



4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to prior enmity. The FIR was lodged after an unexplained delay of more than three days, casting doubt on the prosecution story, and there is no eyewitness, evidence to support the alleged kidnapping. It is submitted that the case arose out of a prior altercation between the petitioner and the informant and that the FIR was not properly explained to the informant. During investigation, the victim was recovered and, in her statement under Section 164 Cr.P.C., she has stated that she was a major and had accompanied the petitioner of her own free will, and had solemnized marriage with him. A co-accused person namely Md. Tahir has been granted bail vide order dated 18.05.2023 passed in Cr. Misc. No. 11970 of 2023.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that statement of the victim girl was recorded under Section 161 and 164 of the Cr.P.C. in which she has not supported the prosecution case and has said that she has voluntarily performed nikah as well as court marriage with the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

6. No one appears for the O.P. No. 2 despite service



of notice.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, (West) Muzaffarpur, in connection with Kathaiya Police Station Case No. 136 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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