

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23601 of 2025

Arising Out of PS. Case No.-256 Year-2024 Thana- THALI District- Nawada

Md. Yehtesham S/o Mohammad Muslim R/o Village- Baksoti, P.S.-
Govindpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 01-09-2025 Heard Mr. Bipin Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Thali P.S. Case No. 256 of 2024 for the offence under section 140(3) of the B.N.S. lodged on 18.10.2024 by the informant, Gajendra Rajak.

3. As per the prosecution story, the informant alleged that his 19 years old daughter went for tuition but failed to return. Accordingly, request was made to take necessary steps. This led to the F.I.R.

4. Subsequently, the investigation went to the door of the petitioner, the girl recovered and the statement is there by way of supplementary affidavit that she solemnized marriage with the petitioner on 16.01.2025. The joint declaration is part



of the supplementary affidavit.

5. Learned counsel for the petitioner submits that perusal of the FIR would show that she was major and free to take her decision. Though, subsequently they tried to show her as minor, the declaration is there.

6. Learned APP opposes the prayer submitting that she was taken away by the petitioner.

7. Taking into account the submissions of the parties as also the fact that the girl as per the FIR itself is major, can take her independent decision, this petitioner has no criminal antecedent, he shall be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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 Sub Divisional Judicial Magistrate, Nawadah in connection with Thali P.S. Case No. 256 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)

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