

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24388 of 2025

Arising Out of PS. Case No.-29 Year-2024 Thana- GORIAKOTHI District- Siwan

Md. Aslam @ Mohammad Aslam @ Mohammad Aslam Miya @ AslamMiya
@ Aslam, S/o Late Pir Mohammad, R/o Village-Karpaliya, P.O.- Karpaliya,
P.S.-Goreakothi, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-09-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Goreakothi P.S. Case No.29 of 2024 registered for the
offences punishable under Sections 364 and 120-B read with
34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and
is in custody since 05.04.2024.

4. As per FIR, the petitioner along with other
named co-accused persons kidnapped the son of petitioner,
who was missing till lodging of FIR.

5. It is submitted by learned counsel appearing for
petitioner that the maximum allegation against the petitioner



is to remain present with co-accused Santosh Tiwari. It is submitted that it can be safely gathered from the facial perusal of FIR that kidnapping was done by co-accused Mantosh Tiwari and other unknown co-accused persons rather this petitioner was offered to settle the litigation out of mutual understanding. It is further submitted that during investigation nothing incriminating appears against petitioner as to connect him *prima facie* with present crime in question. It is submitted that the present FIR was lodged on the basis of Complaint Case No.1315 of 2023 filed before the learned Chief Judicial Magistrate, Siwan after 22 days of the occurrence, as an afterthought. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner found involved in seven more criminal cases of petty nature, where he is on bail.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by



taking note of fact as *prima facie* allegation of kidnapping is not available against this petitioner rather same is available against co-accused Mantosh Tiwari and unknown co-accused persons, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 05.04.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Siwan in connection with Goreakothi P.S. Case No.29 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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