

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35902 of 2025

Arising Out of PS. Case No.-64 Year-2024 Thana- BATHWARIA District- West Champaran

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Nanku Mian @ Shamshad Alam S/o Aas Mahammad Mian R/o Village-
Bazar Bathwariya, Police Station- Bathwariya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 520-08-2025
1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 96, 351(2), 61(2) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his daughter was abducted by the named accused persons in the FIR including Alam Mian.



4. Learned counsel for the petitioner submits that Alam Mian and the victim were in love. It is next submitted that victim is a major aged about 20 years. It is also submitted that though in the FIR it has been alleged that the named accused persons abducted the daughter of the informant, but then the victim eloped on her own sweet will. It is next submitted that the victim along with Alam Mian had gone to Jammu and Kashmir from where she was recovered by the police of Bathwariya police station. The learned counsel submits that after the victim came back, her statement was recorded under Section 183 BNSS, wherein she supported the case of the prosecution and also alleged that while she had gone to attend the call of nature, when Subhash and Bharat came and forcefully took her to an orchard where Alam Mian along with the petitioner and other were present and Alam Mian made her consume some intoxicated medicine on account of which she lost her consciousness and when she woke up, she found herself in a train and when she pleaded to Alam Mian that she intends to go back home when he threatened that she will be thrown out of the train. It is next submitted that it absolutely does not stand to reason as to why the victim after regaining consciousness did not raise any



alarm in the train, which amply demonstrates that she had eloped with Alam Mian and after she came back under parental pressure, the entire family members of Alam Mian came to be implicated including the petitioner, who is brother of Alam Mian. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bathwariya P.S. Case No. 64 of 2024 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner



despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. **Accordingly, the instant anticipatory bail application stands allowed.**

(Satyavrat Verma, J)

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