

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28596 of 2025

Arising Out of PS. Case No.-459 Year-2024 Thana- KHAGARIA District- Khagaria

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1. Biral Tanti @ Biral Sharma S/O Faudi Tanti Resident of Village- Patel Nagar Tower Building, Ward No. 19, P.S. and District- Khagaria.
 2. Shiromani Devi W/O Biral Sharma @ Biral Tanti
 3. Ashish Kumar S/O Biral Sharma @ Biral Tanti
All Resident of Village- Patel Nagar Tower Building, Ward No. 19, P.S. and District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-07-2025 Heard Mr.Ram Sumiran Rai, learned counsel for
petitioner Nos. 2 and 3 only and Mr.Syed Mojibur Rahman,
learned Additional Public Prosecutor for the State.

2. Petitioners Nos. 2 and 3 are apprehending their
arrest in connection with Khagaria P.S.Case No.459 of 2024,
FIR dated 20.09.2024 registered for the offences punishable
under Sections 96 & 137(2) of B.N.S. Act, 2023.

3. The prosecution story in short is that on 16.09.2024
the daughter of the informant went for coaching class but not
return till evening. Informant made search in relatives and
friends and during the period informant got knowledge that his



daughter was seen with accused Anshu Kumar. The family members of accused Anshu Kumar were also involved in the kidnapping of the daughter of informant. All the accused persons kidnapped the daughter of informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are mother and brother of co-accused person, namely, Anshu Kumar. The victim was recovered and her statement was recorded under Section 164 Cr.P.C./Section 183 of BNSS, 2023 in which she has not stated anything about the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are made accused in the present case merely on the ground that they are family members of co-accused person, namely, Anshu Kumar.

6. Considering the aforesaid facts, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence except they are family members of co-accused person, namely, Anshu Kumar and statement of the victim was



recorded under Section 164 Cr.P.C./Section 183 of BNSS, 2023 in which she has not stated anything about the involvement of the petitioner in the present occurrence, let petitioners Nos. 2 and 3, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S.Case No.459 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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