

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26558 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- MANSI District- Khagaria

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1. Md. Imtiyaz Alam S/o Late Md. Sami Ahmad Resident of Village- Hussaina (Salesh Chak), P.S.- Ballia, District- Begusarai
 2. Md. Noor Alam S/o Late Md. Sami Ahmad Resident of Village- Hussaina (Salesh Chak), P.S.- Ballia, District- Begusarai
 3. Ishrat Jaha @ Ishrat Jahan D/o Late Md. Sami Ahmad Resident of Village- Hussaina (Salesh Chak), P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shadab Akhter, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Vinay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Shadab Akhter, learned counsel for the petitioners, Mr. Vinay Kumar, learned counsel appearing on behalf of the informant as well as Mr. Shailendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mansi P.S. Case No. 216 of 2024, F.I.R. dated 23.08.2024 for the offences punishable under Sections 316(2), 303(2), 351, 352, 137(2), 140(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, these petitioners along with other accused persons took away the two minor



daughters of the informant and also took Rs. 20,000/- and gold ornaments with them.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the petitioners are agnate of the informant. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has not supported the case of the prosecution. He further submits that the police after investigation submitted final form in favour of the petitioners and stated that the facts are mistaken against these petitioners and other accused persons but the learned Court below differing with the final form of the prosecution has taken cognizance on 09.05.2025 against the petitioners and other accused persons.

5. The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the victim was minor.

6. Considering the aforesaid facts and circumstances



that the petitioners have clean antecedent, victim has not supported the case of the prosecution and police have submitted charge sheet but the learned Court below has taken cognizance, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 216 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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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