

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30364 of 2025

Arising Out of PS. Case No.-99 Year-2023 Thana- KADWA District- Katihar

Md. Kashim @ Kasma S/O Md. Tetar Village- Nikhra, P.O.- Parbheli, Chauni,
P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Md. Juber S/O Late Muddin Village- Parbheli, P.O.- Parbheli, Chauni, P.S.-
Kadwa, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 31-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Kadwa P.S. Case No. 99 of 2023 (G.R. No.
2802/2023) dated 18.05.2023 registered for the offences punishable
u/ss 363, 364, 366, 366A, 120B of the Indian Penal Code and
sections 3/4 of the POCSO Act.

3. As per the prosecution case, the co-accused persons
and two unknown persons are alleged to have kidnapped the minor
daughter of the informant.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case merely on suspicion. The victim in her statement recorded u/s 164 of the Cr.P.C. has not taken the name of the petitioner in the alleged offence and also stated that she solemnized marriage with the co-accused, Tinku Kumar. It is further submitted that the petitioner has no concern with the alleged offence. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. The co-accused person has already been granted anticipatory bail by this court vide order dated 11.12.2024 passed in Cr. Misc. No. 67983 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Katihar in connection with Kadwa P.S. Case No. 99 of 2023 (G.R. No. 2802/2023), subject to conditions as laid down under section



438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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