

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30707 of 2025

Arising Out of PS. Case No.-209 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Chhotu @ Mumtaz Khan S/o- Noor Hassan Mian @ Noor Hassan Khan
Village- Miscotgh Ramna Ps- Town Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Adv.
For the State	:	Ms.Nirmala Kumari, APP
For the Informant	:	Mr. Asif Kalim, Adv.
		Ms. Anjali Kumari, Adv.
		Mr. Irfani Haque, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Motihari Town P.S. Case No. 209 of 2024, registered for the offences punishable under Sections 363 and 365/34 of the Indian Penal Code.

3. Allegedly the son of the informant was taken away by the petitioner along with two other persons for the purposes of providing work. After few days, when the informant tried to contact with her son, the petitioner along with others did not inform about the whereabouts of her son. The accused persons gave assurance, but nothing was done; later on the present FIR came to be instituted.

4. Learned Advocate for the petitioner submitted that



the son of the informant was taken away for work on 05.07.2023 and the present FIR came to be instituted on 06.04.2024, after a delay of almost nine months.

5. On the other hand, learned Advocates for the State and the informant vehemently opposed the bail application and submitted that it is the petitioner and two others, who have taken away the son of the informant and they are, at least, responsible to inform about the whereabouts of the son. Learned Advocate for the informant further submitted that now the petitioner has been extended the benefit of Section 41(1) of the Cr.P.C., hence he has no apprehension of arrest and, as such, the present application is not maintainable.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of fact that the petitioner has already been given the benefit of Section 41(1) of the Cr.P.C. and till date the investigation is going on, this Court does not find any reason or occasion to entertain the anticipatory bail application.

7. However, the petitioner shall be at liberty to file an appropriate application after filing of the charge sheet, if certain materials have collected against the petitioner constituting the offence, if so advised.



8. The application stands disposed.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

