

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35470 of 2025

Arising Out of PS. Case No.-47 Year-2019 Thana- KANGLI District- West Champaran

Samsad Mian @ Shamshad Hussain @ Shamshad Ansari S/O Mahmadalam Ansari @ Md. Alam Miyan R/O Village- Bhediharwa, P.S- Kangli, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahil Khan S/O Taj Mohammad Khan R/O Bhediharwa, P.S- Kangli, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv
	:	Mr. Mithilesh Kumar, Adv
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 30-10-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kangli P.S. Case No. 47 of 2019 registered for the offences under Sections 363 and 366 A of the IPC.

3. The petitioner is named in the F.I.R. and is in custody since 07.04.2025 (except period of provisional bail for about one month).

4. The allegation against the petitioner is to kidnap the minor sister of informant along with other co-accused persons for the purpose of illicit intercourse/marriage with another person.



5. Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation statement of victim was recorded under Section 161 of the Cr.P.C. where she failed to name this petitioner, however victim named petitioner while recording her statement under Section 164 of the Cr.P.C. It is submitted that subsequently she was examined before learned Trial Court as P.W. 1, where she again failed to name this petitioner. It is also pointed out that considering the improved statement of victim during the investigation, police submitted final form against petitioner. While concluding the argument it is submitted that in view of testimony of P.W. 1, keeping petitioner behind bar for any further period will not serve any purpose of justice.

6. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail could not dispute aforesaid factual submissions.

7. In view of aforesaid factual submission and by taking note of fact as victim failed to support the allegation during investigation and also before the learned Trial Court, while she was examined as P.W. 1 as submitted above, coupled with the fact as petitioner remains in custody since 07.04.2025 (except provisional bail of one month), accordingly above named petitioner, is directed



to be released on bail in connection with Kangli P.S. Case No. 47 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge 7th cum Special Judge POCSO, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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