

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33044 of 2025

Arising Out of PS. Case No.-403 Year-2018 Thana- RAJNAGAR District- Madhubani

1. Md. Taslim son of Muslim Nadaf Resident of Village- Narayan Patti, P.S. -Rajnagar, District -Madhubani
2. Md. Ahmad @ Amad Ansari Son of Late Md. Jail Resident of Village- Narayan Patti, P.S. -Rajnagar, District -Madhubani
3. Hadisha Khatoon Wife of Muslim Nadaf Resident of Village- Narayan Patti, P.S. -Rajnagar, District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable u/s 363, 366 (A)/34 of the I.P.C.

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

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and there is a general and omnibus allegation levelled against them. It is further submitted



that the informant's brother, namely, Fakruddin and the petitioners are having a land dispute and on account of the same, the petitioners have falsely been implicated in this case. It has further been submitted that the statement of the victim girl was recorded under Section 164 of the Cr. P.C., wherein she has stated that it was the petitioners who had forced her to sit in a car and they had covered her mouth with cloth, thereafter, the petitioners had taken her to an unknown house. It is further submitted that it was the co-accused Md. Nazam, who had committed wrong with the victim girl for the next seven days and thereafter she somehow managed to escape and reached before the police.

5. Learned counsel for the petitioners next submits that during the medical examination, the age of the victim girl was ascertained as seventeen years while no sign of sexual assault was found on her body. During the course of the investigation, it has come to the knowledge that the day when the victim was traceless, Md. Namam and Md. Kalam were not even present at their house, in fact, they were living in Rajkot, Gujarat, to earn their living. It is also submitted that the victim girl went to Delhi along with one girl, namely, Pinki and she was staying with her boyfriend, namely, *Shankar*. Learned



counsel further points out that after more than four years the statement of the victim girl was recorded under Section 161 of the Cr. P.C., wherein she stated that she had been talking to Md. Nazam for one year and she wanted to marry him and therefore she went to Delhi from Narayanpatti and from there she went to Rajkot, Gujarat, on her own free will. It is also submitted that when the victim girl came to know that her father had lodged the present case, she returned home and she was sent to remand home. It is lastly submitted that the petitioners have clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and also taking into account the fact that the allegations against the petitioners are vague and considering the statement of the victim girl made before the police as well as her statement of 164 of the Cr. P.C., let the above named petitioners, in the event of their arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani, in connection with Rajnagar P.S.



Case No. 403 of 2018, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be canceled by the Court concerned.

(iv) The petitioners shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(v) The learned 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 bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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