

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33088 of 2025**

Arising Out of PS. Case No.-734 Year-2024 Thana- JAHANABAD District- Jehanabad

Md. Faiyaz S/o Md. Abbas Resident of Mohalla- Jafarganj, Jehanabad, P.S.  
and District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Kalim Rain S/o Md. Ishahak Rain Resident of Mohalla- Jafarganj,  
Jehanabad, P.S. and District- Jehanabad

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Swati Mishra, Adv

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      19-05-2025                      Heard learned counsel appearing on  
behalf of the petitioner and learned Additional  
Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in  
the F.I.R. and apprehended his arrest in connection  
with Jehanabad P.S. Case No. 734 of 2024  
registered for the offences punishable under  
Sections 96, 137 and 351(2) of the BNS.

3. The allegation against the petitioner is  
kidnap the minor daughter of informant along with  
other co-accused persons as to force/seduce her  
for illicit relationship/marriage with another person.



4. Learned counsel appearing on behalf of the petitioner submitted that as per statement of victim as recorded under Section 180 & 183 of the BNSS, she went out of her own sweet will up to Delhi, where she married with petitioner and thereafter both are residing as wife and husband. It is submitted that victim completely negate the allegation of kidnapping or sexual assault against petitioner. It is further submitted that as petitioner solemnized marriage himself with victim, therefore, no prima-facie case against petitioner appears made out under Section 137 of the BNS. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court in the case of **Sat Prakash Vs. State of Haryana, (2015) 16 SCC 475.**

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as victim through her statement completely denied the allegations of kidnapping and sexual assault,



accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad/concerned Trial Court where the case is pending in connection with Jehanabad P.S. Case No. 734 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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