

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37031 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- DIGHWARA District- Saran

Salim Miya @ Salimuddin S/O Late Imamul Hussain R/O Village-
Barhumua, P.S- Dighwara, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dighwara P.S. Case No. 107 of 2024 lodged on 13.04.2024, for
the offence punishable under Sections 363 & 366-A of the
Indian Penal Code, pending in the Court of A.C.J.M.-II, Saran.

3. As per the prosecution, FIR has been lodged against
one named accused person (petitioner) and three unknown
persons, alleging that they have kidnapped the informant's
daughter with the intention of selling her.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner has always supported in the
investigation, but he has unnecessarily been made accused in
this case. Counsel further submits that the petitioner has no



criminal antecedent and he is in custody since 20.04.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that on earlier occasion, case diary as well as statement of the victim under Section 164 of the Cr.P.C. has been called for. From perusal of the said statement of the victim recorded under Section 164 of the Cr.P.C., it transpires that the victim girl has supported the prosecution case and disclosed that the petitioner has forcefully kidnapped her with the intention of selling her.

6. This Court is of the view that there is a clear distinction between Section 161 and Section 164 of the Cr.P.C. and finds that the statement recorded under Section 164 of the Cr.P.C. shall always prevail over the statement recorded under Section 161 of the Cr.P.C.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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