

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37113 of 2025

Arising Out of PS. Case No.-51 Year-2016 Thana- BHAWANIPUR District- Purnia

1. Md. Kare Sah @ Kalim S/O Late Khalil Sah
2. Ajmeri Khatoon W/O Md. Kare Sah @ Kalim
Both are resident of Village - Dargaha Supauli, P.S. - Bhawanipur, District – Purnea.
3. Md. Sahid @ Shahid S/O Md. Rajjak Sah R/O Vill.- Menthath, P.S.- Kusheswar Asthan, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-07-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Bhawanipur P.S.Case No.51 of 2016 registered for the offences
punishable under Sections 363/34, 365, 368 and 120(B) of the
Indian Penal Code .

3. Petitioners are accused in kidnapping of the son of
the informant.

4. Learned counsel appearing on behalf of the
petitioners submitted that all the accused persons and the
informant are members of the same family and son of the



informant came back very next day and his statement was recorded under Section 164 Cr.P.C. in which he has not given any specific statement against the petitioners. Learned counsel further submitted that the learned District Judge, Purnea has granted bail to some of the accused persons. The petitioners came to know about lodging of the FIR only after process under Section 82 of Cr.P.C. initiated.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners on the ground that the complicity of the petitioners can be judged from the very action that they have absconded for nearly ten years and no reason has been pleaded in the bail application. The petitioners do not deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having considered the information that the very next day, the victim has returned back and his statement was recorded. It has been observed by the learned District Judge, Purnea that the petitioners were not involved in the alleged commission of offence. As such, the petitioners seek to be released on pre-arrest bail.

7. The petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the



learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Purnea/concerned court, in connection with Bhawanipur P.S.Case No.51 of 2016, subject to conditions as laid down under Section 482(2) of BNSS of 2023

8. The learned district court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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