

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39796 of 2025

Arising Out of PS. Case No.-1400 Year-2024 Thana- MADHEPURA District- Madhepura

Md. Raja Kumar @ Md. Mohammad Nemtullah Son of Md. Jahir @ Md. Jahiruddin Resident of Village- Hanumannagar Chaura, Ward No. 18, P.S.- Bharrahi, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate Ms. Pooja Prasad, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 15-10-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 96, 137(2) of the BNS.

3. According to prosecution case, on 12.12.2024, between 3–4 A.M., the informant's 16-year-old daughter went missing. Locals alleged that Raja had kidnapped her. When the informant went to Raja's house, Md. Jahir Master verbally abused her and claimed his son had taken the daughter.

4. Learned counsel for the petitioner submits that the petitioner is in no way connected with the alleged offence of kidnapping the daughter of the informant and from perusal of the statement of the victim girl under Section 183 of the



B.N.S.S. 2023 on 11.12.2024, it has been specifically stated that her mother used to beat her for not studying and being annoyed by her constant nagging, the informant went to her elder sister's house, who is married and is currently residing at Purnea and on her return from her elder sister's house, she got to know about the incident and has completely ruled out the case of kidnapping, which is said to have been registered at the instance of the informant and it is specifically stated that nobody had kidnapped her.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the victim girl has not named this petitioner and has completely ruled out the case of kidnapping and has accepted on her own that being on annoyed by her mother, left her house and went to her elder sister's house at Purnea. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Madhepura in connection with Madhepura Bharrahi P.S. Case No. 1400 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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