

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45428 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- BIHRA District- Saharsa

Md. Afaq Ansari @ Affa Miyan S/O Md. Israil Ansari R/O Badhari Belwa,
P.S.- Gamhariya, Dist.- Madhepura Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioner and Mr. Ashok Kumar Mishra, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 363 and 366 of the Indian Penal Code.

3. The case of the prosecution is that the daughter of the informant has gone to fetch certain articles from the shop. In the way, five accused persons kidnapped her.

4. Learned counsel for the petitioner has submitted that his name is not there in the FIR. His name has surfaced in the statement of the victim under Section 183 of the BNSS wherein she has stated that as she was returning after having potatoes, Santosh Mukhiya, the petitioner and Changla forcefully boarded her on a bike. She has further alleged that Santosh Mukhiya established physical relationship with her.



Learned counsel has further submitted that the only allegation this petitioner is that he has boarded the victim forcefully on bike. It has also been submitted that Santosh Mukhiya and Changla have been granted bail by the learned Co-ordinate Bench vide Cr. Misc. Case Nos. 28405 of 2025 and 23734 of 2025 respectively. The case of this petitioner stands on better footing. The petitioner is having no criminal antecedent and is in judicial custody since 09.05.2025.

5. Learned Additional Public Prosecutor for the State has conceded to the arguments and has submitted that the main accused has been granted bail by the Co-ordinate Bench.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bihra P.S. Case No. 140 of 2024 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Saharsa.

(Ashok Kumar Pandey, J)

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