

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51125 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- AWTARNAGAR District- Saran

Najir Miyan Son of Rustam Miyan Resident of Village - Panchpatia, P.S.-
Avtar Nagar, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi Wife of Rambabu Rai Resident of Village - Hakikatpur, P.S.-
Avtar Nagar, District - Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Awtar
Nagar P.S. Case No. 40 of 2025 instituted for the offence under
Sections 96 & 137(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that petitioner along
with co-accused persons kidnapped the minor daughter of the
informant.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 02.05.2025. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner referred to the Statement of the Victim recorded under Section 183 of the BNSS, 2023, in which victim has clearly stated that she went with the petitioner at her own will and clearly denied the allegation of kidnapping. There is no allegation of sexual assault against the petitioner. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner, even in the statement of the victim recorded under Section 183 of the BNSS, 2023 and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties



of the like amount each to the satisfaction of Court
below/concerned Court in connection with Awtar Nagar P.S.
Case No. 40 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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