

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65441 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- CHHATAPUR District- Supaul

Md. Jamsher @ Md. Jamshed @ Jamshed Alam Son of Md. Anwarul,
Resident of Katahara, Ward No.- 11, P.S.- Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Apsana Khatoon Wife of Md. Taha, Resident of Katahara, Ward No.- 11, P.S.- Chhatapur, District - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-09-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Chhatapur P.S.Case No.30 of 2025, registered for the offence(s) punishable under Sections 126(2), 115(2), 96, 303(2), 352, 351(2), 3(5) of BNS.

3. As per the allegation made in the FIR, petitioner along with the other accused persons allegedly kidnapped the daughter of the petitioner. It is alleged that they also assaulted the informant and snatched her silver chain and gold nose ring. It is also alleged that the accused persons tempered the AADHAR Card of the victim to claim her major.



4. Learned counsel appearing on behalf of the petitioner submitted that the statement of the girl has been recorded under Section 180 and 183 of BNSS, in which she has completely denied the allegation of her kidnapping or assault. She has further stated that she was in relationship with the petitioner for about three years and she wilfully eloped with him and got married. Petitioner has got clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made against the petitioner, as well as, the acceptance of the girl in her statement recorded under Sections 180 and 183 of BNSS that she was in relationship with the petitioner. Any act in which she has indulged, she can understand the significance and the consequences of the moral or immoral quality of act she was consenting to, as has been laid down by the Apex Court in the case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **(2023) 15 SCC 385**, the petitioner, above named, is directed to be released on pre-arrest bail, **subject to determination of the age of the victim**, in the event of his 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)



with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Supaul in connection with Chhatapur P.S.Case No.30 of 2025, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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