

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79721 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- KUNALI District- Supaul

1. Md. Nasrul S/O Md. Mahmood R/O Village- Kaushalipatti, P.S- Khutauna, Distt.- Madhubani.
2. Md. Shakil Khan @ Md Shakil Kha @ Md. Shakil S/O Md. Najir Khan @ Md Najir R/O Village- Kamalpur, P.S- Laukaha, Distt.- Madhubani (Bihar).
3. Md. Nasim @ Md Nashim S/O Md. Najir Khan @ Md Najir R/O Village- Kamalpur, P.S- Laukaha, Distt.- Madhubani (Bihar).
4. Md. Mustafa S/O Md. Islam R/O Village- Kamalpur, P.S- Laukaha, Distt.- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Kunauli P.S. Case No. 78 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 117(2), 118(1), 76, 109, 137(2), 140(3), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioners tried to kidnap the informant and when she resisted, she was assaulted and her clothes were torn and they also snatched the mobile



phone of the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. From the facts of the FIR, it is apparent that no case of kidnapping or illegal confinement is made out as only allegation is that the petitioners tried to drag out the informant. The injury report shows injuries are simple and it negates the allegation of brutal assault or an attempt to cause death. Learned counsel further submits that, admittedly, the informant is a citizen of Nepal and she named all the accused persons with their parentage which is very surprising. It shows false accusation on part of informant. The petitioners are in custody since 12.07.2025 and charge-sheet has been submitted. The petitioners are having clean antecedent.

05. Learned APP for the State opposes submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and their clean antecedents along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail



bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Birpur, Supaul/court concerned in connection with Kunauli P.S. Case No. 78 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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