

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82792 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- FORBESGANJ District- Araria

1. Md. Dilshad S/O Md. Mafil @ Mofil Resident of village- Rewahi , ward no. 07, P.S- Narpatganj, District- Araria.
2. Jahir @ Md. Jahir S/O Nasar R/O Village- Bochabhag, Ward No. 04, P.S- Forbisganj, Distt.- Araria.
3. Md. Irshad @ Irshad S/O Md. Shahadat Resident of village- Madhura, ward No. 04, P.S- Narpatganj, District- Araria.
4. Nurjahan Khatun W/O Md. Irshad @ Irshad Resident of village- Madhura , ward no. 04, P.S- Narpatganj, District- Araria.
5. Jaynab Khatun D/O Md. Mafil @ Mofil, W/O Sahadat Alam Resident of village- Rewahi , ward no. 07, P.S- Narpatganj, District- Araria.
6. Rubbo @ Rabaisa Khatun W/O Md. Mafil @ Mofil Resident of village- Rewahi , ward no. 07, P.S- Narpatganj, District- Araria.
7. Nuresha Khatun W/O Md. Jahir @ Jahir R/O Village- Bochabhag, Ward No. 4, P.S- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Advocate
For the State	:	Mr. Umeshanand Pandit, APP
For the informant	:	Mr. Awadhesh Kumar Mishra, Advocate
	:	Mr. Shivani Mishra, Advocate
	:	Mr. Pragati Singh, Advocate
	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

9 10-09-2025

Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with Forbisganj P.S. Case No. 99 of 2024, registered for the offences punishable under Sections 363, 365 and 34 of the Indian Penal Code.



3. As per allegation, the accused persons kidnapped the minor son of the informant.

4. Learned counsel for the petitioner has submitted that the petitioners are innocent and have falsely been implicated. His further submission is that petitioner nos. 4 to 7 are ladies. He has also submitted that the independent witnesses in para- 17, 18, 19 and 39 of the case diary have stated that the son of the informant was not a boy of normal state of mind and on earlier occasions also, he eloped but came back to his house.

5. On the other hand, learned counsel for the informant has opposed the prayer for bail and submitted that due to previous enmity, the accused persons had kidnapped the minor son of the informant and her son is still traceless. According to information received, the learned counsel has also submitted that the boy is still alive and is in captivity of petitioner no.1. The learned counsel has next submitted that, as a matter of fact, marriage of sister of petitioner no.1 was solemnized with the brother of the informant and the brother of the informant has solemnized the second marriage, which was the reason of enmity between the parties.

6. The Superintendent of Police, Araria was directed to procure the appearance of the victim. In compliance of the



order of this Court, the Superintendent of Police, Araria appeared through virtual mode on 28.08.2025 and he assured that the investigating authorities may go for Narco Test of the accused persons.

7. The Investigating Officer is present in the Court today and he submits that petitioner no.1 has refused for Narco Test.

8. Learned counsel for the informant has submitted that since the accused petitioner no.1 has refused for Narco Test, an adverse inference can be drawn against him. Other petitioners are family members of the petitioner no.1.

9. Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no.1, namely, Md. Dilshad. Accordingly, the prayer for anticipatory bail to petitioner no.1, namely, Md. Dilshad is rejected.

10. So far as petitioner nos. 2 to 7 are concerned, let petitioner nos. 2 to 7, in the event of their arrest or surrender within four weeks before the learned court below, be released on anticipatory 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 Chief Judicial Magistrate, Araria in connection with Forbisganj P.S. Case No. 99 of 2024, subject to



the conditions as laid down under Section 438(2) Cr.P.C.

11. Personal appearance of the investigating officer is
dispensed with.

(Nawneet Kumar Pandey, J)

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