

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83250 of 2024

Arising Out of PS. Case No.-166 Year-2021 Thana- HATHAURI District- Samastipur

Md. Nijam @ Md. Nijam Ali @ Md. Nizam @ Md. Nizam Ali S/o Baseer Ali
@ Md. Vasir Ali @ Md. Basir R/o Village - Ram Bhadrapur (Rambhadrapur),
PS- Hathauri (Hathuri), OP- Shivaji Nagar (Shivaji Nagar), District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rash Bihari Chaudhary S/o Arun Kumar Chaudhary R/o village Ram Bhadrapur, P.S.- Hathauri (Shivaji Nagar) Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.
For the State : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

3. Despite valid service of notice on the informant, nobody appears on her behalf in the present case.

4. The allegation in the FIR against the petitioner is that he had allured the daughter of the informant and taken her away from the coaching centre and has thus committed kidnapping of the victim along with other accused persons.

5. Learned counsel for the petitioner submits that the



allegations levelled in the FIR are not correct and as a matter of fact the victim had gone with the petitioner voluntarily on her own will since she was in love relationship with him for quite sometime. The said contention on behalf of the petitioner is substantiated by the statement of the victim girl recorded under Section 164 Cr.P.C. wherein she has categorically stated that she had gone along with her lover Md. Nizam, the present petitioner, on her own will to Bareilly and then to Bengal. She has further stated that when she came to know about a case against the petitioner lodged by her father, she came back to give her statement. She has even stated that she has also solemnized marriage with the petitioner on 11.12.2023 in Delhi and she does not want to go to her parents as she has threat of her life.

6. Learned APP for the State opposes the prayer for bail

7. Considering the facts and circumstances of the case and particularly the statement of the victim recorded under Section 164 Cr.P.C., I am inclined to grant the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail 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, Rosera in connection with
Hathauri (Hathuri) P.S. Case No. 166 of 2021, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C/ 482
(2) of the BNSS, 2023.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

