

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3456 of 2026

Arising Out of PS. Case No.-132 Year-2025 Thana- DARPA District- East Champaran

1. Samshul Nesha W/o Abbash Miyan @ Abbash Ansari Resident of Village - Belahiya, P.S - Darpa, District - East Champaran
2. Ali Akhatar @ Ali Akhatar Miyan S/o Abbash Miyan @ Abbash Ansari Resident of Village - Belahiya, P.S - Darpa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2026 Heard Mr.Prateek Tandon, learned counsel for the petitioners and Mr.Anish Chandra, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No.132 of 2025, dated 19.05.2025 registered for the offences punishable under Sections 137(2),96,3(5) of BNS, 2023.

3. The prosecution case, in short, is that on 13.05.2025, accused persons including the petitioner are alleged to have kidnapped the daughter (the victim) of the informant for the purpose of her marriage.

4. Learned counsel appearing for the petitioners



submits that the petitioners have clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Petitioners are not named in the FIR. Name of the petitioners has been transpired during investigation on the basis of CDR location and the victim girl has been recovered and her statement was recorded under Section 183 of BNSS, 2023 in which she has not supported the case of the prosecution.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, petitioners are not named in the FIR, name of the petitioners has been transpired during investigation on the basis of CDR location and the victim has not supported the case of the prosecution, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Darpa P.S. Case No.132 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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