

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4231 of 2026

Arising Out of PS. Case No.-223 Year-2024 Thana- JOGBANI District- Araria

Md. Mustaque @ Fuchche Son of Md. Mujjit @ Majid Resident Of Village
-Ahmadpur, Ward No 13, Police Station -Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-02-2026 Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner and Mr. Murli Dhar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Jogbani P.S. Case No. 223 of 2024, F.I.R. dated
07.11.2024 for the offences punishable under Sections 137 (2),
96, 3(5) of the BNS and Section 363, 366(A)/34 of the IPC.

3. According to prosecution case, it is alleged in the
FIR that a co-villager informed the informant that the FIR
named accused persons have abducted her daughter with intent
to sell her in brothel.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the



F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the coordinate Bench of this Court while the hearing the case of the co-accused persons who happens to be the family members of the petitioner which was recorded in paragraph 4 is as follows:

“4. Vide order dated 21.03.2025, case diary along with statement of the victim recorded under Section 164 Cr.P.C. was called for. The same has been produced. I have perused the statement of the victim, from which it appears that victim has admitted that she was in love relationship with one Md. Mustaque, who is son of petitioners no.1 and 2. She has also admitted that she has willingly gone along with co-accused Md. Mustaque. Petitioners no.3 and 4 are own brothers of Md. Mustaque and sons of petitioner nos.1 and 2.”

5. It appears from the aforesaid that the victim has not supported the case of the prosecution and she admitted that she was in love with the petitioner and she is in relationship with the petitioner. Learned counsel for the petitioner also refers to Annexure 2 which suggests that the date of birth of the victim is 28.03.1999 and at the time of occurrence the victim was a major. He further submits that the co-accused persons, namely, Md. Mujjit @ Majid @ Md. Majjit & Others have already been granted anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 9966 of 2025 vide order dated 12.05.2025.



6. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and that the petitioner has clean antecedent, victim has not supported the prosecution case and the co-accused persons have granted anticipatory bail by a coordinate Bench of this Court, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria in connection with Jogbani P.S. Case No. 223 of 2024, subject to the conditions as laid down under Section 482(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

khushbu/-

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

