

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9422 of 2026

Arising Out of PS. Case No.-283 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Dilshad Alam @ Dilsad Gani @ Dilshad Gani Son of Rafique Alam R/o
Village - Baigana, Ward No. 10, P.S. - Teragachh, Distt. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-03-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 137(2), 96, 352, 351(2) and 3(5) of the Bharatiya Nyaya
Sanhita.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that on 14-12-2024, when he woke up at 4 am, he found his
sister missing along with jewellery, on inquiry, it transpired that
13 named accused persons including the petitioner made his
sister flee, accordingly he along with other reached the house of
Dilnazwaz and saw his sister locked in a room and when he
tried to meet his sister, he was abused, assaulted and threatened



and thus came back and informed the police.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent thus submitted final form exonerating the petitioner of the allegation, as would manifest from Annexure-2, but then learned Magistrate differing with the police report, took cognizance. It is also submitted that even the victim did not support the case of the prosecution in her statement recorded under Section 164 Cr.P.C. The learned counsel for the petitioner next submits that when one investigating agency after threadbare investigation came to a considered conclusion that petitioner is innocent, whether it would be prudent for the court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation, moreso when the victim has not supported the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kochadhaman P.S. Case No. 283 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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