

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34710 of 2026

Arising Out of PS. Case No.-57 Year-2023 Thana- BITHAN District- Samastipur

Madan Sah @ Madan Sahu S/o Late Shiv Naryan Sah @ Late Shiv Naryan Sahu R/o Village - Telni, Gajabaja, Pushaho, P.S - Bithan, District - Samastipur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulashan Khatoon W/o Md. Samim R/o Village - Gajablaja, Ward No. 2, P.S - Bithan, District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-07-2026 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Bithan P.S. Case No. 57 of 2023, registered for the offenses punishable under Sections 363, 366A/34 of the I.P.C.

3. Allegedly on the given date and time of the occurrence, while the informant was going along with her daughter, in the meanwhile, co-accused Sourav Kumar and Sachin Kumar along with three unknown persons arrived on the vehicle and forcibly kidnapped her daughter and taken away. When this fact has been disclosed to the petitioner, who happens to be father of the co-accused Sourav Kumar, he threatened with dire consequences; besides there is allegation of abusing.



4. Learned Advocate for the petitioner submits that alleged occurrence took place on 21.05.2023 and the informant is claiming herself to be an eye witness to the occurrence, but the present FIR came to be instituted on 23.05.2023 without explaining the in-ordinate delay. The allegation, even if taken to be true, for the sake of argument, the same is revolving around co-accused Sourav Kumar. However, the petitioner only by the virtue of being father of the co-accused Sourav Kumar his name has been implicated in this case. Moreover, during the pendency of this case, a Coordinate Bench of this Court took note of the statement of the victim recorded under Section 164 of the CrPC and extended the privilege of anticipatory bail to said Sourav Kumar vide order dated 22.04.2026 in Cr. Misc. Case No. 25384 of 2026 subject to verification of the statement of the victim. The petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Considering the submissions advanced by the learned Advocate for the respective parties and taking note of the statement of the victim, who neither supported the



prosecution case nor whispered regarding complicity of the petitioner, as deliberated in the impugned order, besides the nature of the allegation and fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Rosera, Samastipur in connection with Bithan P.S. Case No. 57 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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