

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29266 of 2026

Arising Out of PS. Case No.-108 Year-2025 Thana- Nehra District- Darbhanga

1. Sahwaz Khan @ Shahwaz Khan @ Shahbaz Khan S/O Jahid Khan Resident of Village- Lahwar, Police Station- Keoti, District- Darbhanga.
2. Saif Ali Khan @ Shaif Ali Khan S/O Jahid Khan Resident of Village- Lahwar, Police Station- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners are apprehending their arrest in connection with Nehra P.S. Case No. 108 of 2025 dated 19.07.2025 registered for the offence punishable under Sections 137(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of taking away the Informant's wife and son. It is also alleged that the petitioners are part of a gang operating from Mumbai, engaged in luring women and trafficking them after exploitation.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is next submitted that the allegation leveled



against the petitioners are concocted and fabricated while the petitioners and the Informant are family members. Counsel for the petitioners, by referring to the statement of the victim recorded under Section 183 of the B.N.S.S., submits that the entire incident, which is said to have been narrated in the F.I.R., is in conflict with the statement made before police wherein at one point of time, the victim is said to have gone to Sakari while the statement recorded under 180 of the B.N.S.S., the victim is said to to have gone to Darbhanga Donar where the petitioners came and administered her certain intoxicated materials in the cold drinks and she got unconscious, while as per allegation made in the F.I.R., the victim had gone to Pathan Kawai, which is within the district of Darbhanga itself whereas the distance between Pathan Kawai and Sakri is about 10-12 Kilometer and Sakri to Darbhanga is about 25 Kilometer. It has next been submitted that the allegation as mentioned in the F.I.R. is false, which can be gathered from the fact that once the husband was informed about the victim being kept at Khuni village in Mumbai, the husband is said to have visited the said place and took away the victim, while no report is said to have been made by the victim's husband to either lodge the F.I.R. before the Mumbai police or immediately after having reached to his home



district Darbhanga, where the victim and his husband usually resides and there is no explanation for the delay having been caused in recording the F.I.R., which is said to have been registered after a delay of seventeen days. Counsel for the petitioners further submits that the victim in her statement has not made any allegation of sexual assault being committed upon her or assault of any kind made during the said period, and has also denied for medical examination.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners.

6. Having heard learned counsel for the parties and considering the discrepancy as is recorded herein above and further there being unexplained delay of seventeen days in lodging the F.I.R. and, as also, the petitioners having no criminal antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Darbhanga in connection with Nehra P.S. Case No. 108 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. as



well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document / personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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