

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32372 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- ARRABARI District- Kishanganj

1. Mahaklal Sharma @ Moku Lal Sharma @ Mahku Lal Sharma S/o Bashu Lal Sharma Resident of Village - Ward no. 01, Indarpur, Pradhan Tola, P.S. - Arabari, Distirct - Kishanganj.
2. Kanaklal Sharma S/o Shankar Lal Sharma Resident of Village - Ward no. 01, Indarpur, Pradhan Tola, P.S. - Arabari, Distirct - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 24-06-2026 Heard the learned counsel for the petitioners and the learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Arabari P.S. Case No. 07 of 2026 for allegedly having committed offences under Sections 137(2), 87, 96, 351(2), (B) and 3(5) of B.N.S., 2023.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that on the date of occurrence, his daughter went to see the immersion of idol of Goddess *Saraswati*. In the meantime, co-accused, Bhima Lal Sharma lured her on the pretext of marriage and took her away. When the informant and his family members started searching for their daughter and



went to the house of said Bhima Lal Sharma, all the accused persons, including the petitioners threatened them and told that they will be killed.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. He submits that the allegation of taking away the daughter of the informant is against co-accused, Bhima Lal Sharma and the petitioners happen to be his brother, therefore, they have been falsely implicated in the present case by the informant. It has further been submitted that although the daughter of the informant went missing on 24.01.2026, however the First Information Report has been lodged on 01.02.2026 and no explanation whatsoever has been given for the delay in lodging the First Information Report. He further submits that the daughter of the informant came back on her own on 19.02.2026 and then called her mother, from where she was taken to house and information was given to the police. Her statement under Sections 180 and 183 of the B.N.S.S. was recorded, wherein she said that she went on her own. He further submits that the petitioners have got a clean antecedent.

5. *Per Contra*, the learned A.P.P. appearing on behalf of the State opposes the prayer for grant of anticipatory bail to



the petitioners and submits that the daughter of the informant was kidnapped by co-accused, Bhima Lal Sharma and in her statement before the learned Magistrate, the daughter of the informant has said that both the petitioners herein were also present along with co-accused, Bhima Lal Sharma.

6. Having considered the rival submissions and after going through the records, it appears that the daughter of the informant went missing, for which the informant along with his family members started making search. It has been alleged in the First Information Report that they came to know that the daughter of the informant has been kidnapped by the co-accused, Bhima Lal Sharma on the pretext of marriage. Later on, the daughter of the informant came back on her own and in the statement recorded under Section 180 of the B.N.S.S., she disclosed that she went with co-accused, Bhima Lal Sharma on her own and she was in love with said co-accused, Bhima Lal Sharma. In her statement recorded under Section 183 of the B.N.S.S., the victim girl said that she was taken away by Bhima Lal Sharma and was sent on a motorcycle to Kishanganj from where she along with Bhima went by a train, however she did not name the place. It has further been stated that they stayed in a hotel and later on, on 19.02.2026, she came back. She stated in



her statement recorded under Section 183 of the B.N.S.S. that both the petitioners were also present along with Bhima Lal Sharma.

7. Taking into consideration the facts aforesaid, let petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Kishanganj in connection with Arabari P.S. Case No.07 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of their bail bonds. 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.

(Ritesh Kumar, J.)

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