

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41234 of 2026

Arising Out of PS. Case No.-68 Year-2024 Thana- MADHWAPUR District- Madhubani

Md Sadim Sheikh S/o Md Samim Sheikh R/o Village- Madhwapur Ward No. 05 ,P.S- Madhwapur ,District -Madhubani

... .. Petitioner

Versus

1. The State of Bihar Patna
2. Krishna Kumar S/o Naresh Sah R/o Vill- Madhwapur, ward no- 08, P.S- Madhwapur, Dist- Madhubani.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Madhwapur P.S. Case No. 68 of 2024 registered for the offences punishable under Sections 363, 366(A), 34 of the I.P.C.

3. The allegation against the petitioner is to kidnap the minor sister of the informant aged about 17 years for the purpose of illicit intercourse/marriage with another person.

4. Learned counsel appearing on behalf of the petitioner submitted that the sister of the informant was in love affairs with petitioner and as the said relationship was not approved by the informant, the present false case was lodged.



5. It is submitted that the sister of the informant, left her parental home on her own. In support of submission, learned counsel referred the statement of victim recorded under section 183 of the B.N.S.S., where she categorically stated that she out of her own left her parental home as she was in love with this petitioner and after leaving her parental home, she performed Nikah with this petitioner as per Muslim rites and rituals.

6. It is pointed out that parties are living as husband and wife and, moreover, as per medical report, no sign of violence was found upon victim sister of the informant. It is pointed out that she becomes pregnant out of marriage with petitioner.

7. Arguing further, it is submitted by learned counsel that the doctor, during medical examination, found the age of victim between 17-18 years on the basis of radiological examination.

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

9. In view of the aforesaid factual submissions and by taking note of the fact as the victim categorically negate the allegation of kidnapping and sexual assault against petitioner, while recording her statement under section 183 of the B.N.S.S. rather she said to solemnize marriage with petitioner out of her own sweet-will, accordingly, above-named petitioner, who is a



man of clean antecedent, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Madhubani/concerned court in connection with madhwapur P.S. Case No. 68 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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

