

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42204 of 2026

Arising Out of PS. Case No.-114 Year-2026 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Shayda Khatun @ Shayda Khatoon, W/o Md. Chand Hasan @ Md. Chand
 2. Md. Hasan, S/o Md. Chand Hasan @ Md. Chand
- Both are R/o Village - Bishanpur, Police Station - Samastipur Muffasil,
District - Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Samastipur

Muffasil P.S. Case No.114 of 2026 registered under Sections

137(2) and 96 read with 3(5) of the Bhartiya Nyaya

Sanhita, 2023 (in short 'BNS').

3. As per FIR, co-accused persons including the

petitioners alleged to kidnap the minor daughter of informant

aged about 16 years for the purpose of illicit

intercourse/marriage with another persons.



4. It is submitted by learned counsel appearing for petitioners that during the course of investigation, the minor daughter of informant recorded her statement under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (in short 'BNSS'), where she specifically stated that she out of her own left her parental home, as she was in love with co-accused Alkama @ Kalu, who is grandson of petitioner no.1 and nephew of petitioner no.2. It is submitted that out of said love, she solemnized her *nikah* at Hyderabad and, thereafter, living together as wife and husband. Both petitioners claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact, as thrust of allegation is available against co-accused Alkama, where the allegation of kidnapping and sexual assault also appears negated by the victim daughter of the informant, coupled with the fact that the petitioners, who *prima facie* appears implicated being grand-father and uncle of the main co-accused Alkama, accordingly, in the event of their arrest or surrender in the court below within a



period of four weeks, both above-named petitioners are directed to be released on bail 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-II, Samastipur in connection with Samastipur Muffasil P.S. Case No.114 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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