IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45758 of 2026

CNR No. BRHC010644642026

Arising Out of PS. Case No.-10 Year-2026 Thana- DANDKHORA District- Katihar

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Md. Taha Alam @ Sheikh Azad @ Taha S/O Sheikh Yasin R/O Village- Dherwa, P.S.- Hasanganj, Distt.- Katihar.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. X W/O Y R/O Village- Hazi Tola, P.S.- Dandkhora, Distt.- Katihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 27-10-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Dandkhora P.S. Case No.10 of 2026 registered for the offences punishable under Sections 137(2), 87, 82(1), 352 & 3(5) of the BNS.

3. The allegation against the petitioner is of enticing away the minor daughter of the informant while she was on her way to school. It is further alleged that, upon coming to know of the aforesaid occurrence, the informant, accompanied by other family members, went to the petitioner's house, where the petitioner's parents abused and assaulted them and categorically

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refused to return the victim girl.

4. Learned Advocate for the petitioner submitted that the alleged occurrence took place in the morning of 20.01.2026, whereas the present F.I.R. came to be instituted on 22.01.2026. It is further contended that the prosecution case is substantially weakened by the statements of the victim recorded under Sections 180 and 183 of the B.N.S.S., wherein she has not made any allegation whatsoever against the petitioner. Rather, she has stated that she voluntarily left her home following a quarrel with her mother. Being annoyed with her mother, she went to the house of her maternal aunt, and categorically stated that no one had enticed or kidnapped her. In view of the aforesaid facts and circumstances, learned Advocate for the petitioner contended that no case, much less the case alleged in the F.I.R., is made out against the petitioner. It is further submitted that the petitioner is already married and is carrying fair antecedent and as such the allegation of enticing away the minor daughter of the informant is unfounded.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the materials collected during the course of investigation, *prima facie* indicate the complicity of the petitioner in the alleged

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crime.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the statement of the victim girl where she has not made any allegation of enticing away or causing any illegal act, besides the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge VI cum Special Judge POCSO, Katihar in connection with Dandkhora P.S. Case No.10 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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