

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51728 of 2026

Arising Out of PS. Case No.-352 Year-2026 Thana- NAWADA District- Nawada

1. Salma Khatoon Wife of Bhola Sheikh @ Md. Kaushar Hussain (wrongly typed as daughter of Bhola Sheikh). Resident of village- New Azad Mohalla, Bhadauni, Police Station- Town, District- Nawada
2. Rakik Sheikh @ Rafik Sheikh Son of Md. Bhola Sheikh @ Md. Kaushar Hussain Resident of village- New Azad Mohalla, Bhadauni, Police Station- Town, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Town(Nawada) P.S. Case No.352 of 2026, F.I.R dated 03.04.2026 registered for the offences punishable under Sections 69, 81, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, based on the written complaint of Samiya Praveen, who alleged that she was in a love relationship with Md. Faiyaj, who had promised to marry her. She alleged that on 31.03.2026, at about 3:00 A.M., he entered her room and forcibly established physical relations with her.



Upon hearing her cries, her parents arrived, following which both families agreed to solemnize their Nikah. However, on 02.04.2026, when the Nikah was to be performed, Md. Faiyaz, along with Rakik Sheikh, Salma Khatoon, Wajid Haque, and 3-4 unknown persons, allegedly arrived armed with sticks and hockey sticks, assaulted the complainant's side, and took Md. Faiyaz away, preventing the marriage from taking place. It is further alleged that the accused threatened the family with dire consequences if they lodged a case and wrongfully confined them in a room, due to which the FIR was lodged on 03.04.2026.

4. Learned counsel for the petitioners, by referring to the allegations made in the F.I.R., submits that because of Md. Faiyaz having been taken away by these petitioners at the time of marriage scheduled to take place with Samiya Praveen, who is said to have made an allegation of sexually being exploited by the son of the petitioner No.1. It has further been submitted that the marriage between Samiya Praveen and Md. Faiyaz has taken place and in order to buttress his submissions, the marriage certificate issued from Muslim Marriage, Registrar and KAJI office under the Government of West Bengal, has been appended with the anticipatory bail application as Annexure-P/2. It has next been submitted that by referring to Annexure-P/3 series, a



compromise petition has been filed before the CJM, Nawada, in which Samiya Praveen has stated that she was in love relationship with Md. Faiyaz and both of them wanted to get married but as the family members were not ready for the marriage, the same could not take place. Lastly, it has been submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State though opposes the prayer for anticipatory bail application, but looking to the subsequent development, submits that the concerned Court may be directed to verify the document which has been relied upon by the petitioner for seeking privilege of anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the marriage has already been solemnized, the parties have amicably resolved their dispute and do not wish to pursue the litigation any further, and that the petitioner has no criminal antecedent. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Nawada, in connection with Town(Nawada) P.S. Case No.352 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 his/her/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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