

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60932 of 2025

Arising Out of PS. Case No.-402 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

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Shahnawaj Darji @ Sahanbaj Dargi @ Mh. Sahanwaj @ Sahanwaj Darji @
Md. Shahnawaj Darji, aged about 20 years, Son of Md. Ansari Darji @
Ansari Darji R/o Village- Baligarh, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Diwakar, Advocate
For the Opposite Party/s	:	Mr.Rajendra Singh, APP
For the informant	:	Mr. Sita Ram Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 11-02-2026 Heard Mr. Diwakar, learned counsel appearing on
behalf of the petitioner and Mr. Rajendra Singh, learned APP for
the State and Mr. Sita Ram Prasad, learned counsel for the
informant.

2. The petitioner seeks pre-arrest bail in connection
with Runnisaidpur P.S. Case No. 402 of 2023 registered for the
offence(s) punishable under Sections 363,366(A),34, of the IPC.

3. As per the allegation made in the FIR, accused
persons named therein including the petitioner are said to have
kidnapped the minor daughter of the informant with wrongful
intent to sell her.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner has one criminal antecedent, in which he is on bail.

5. Learned counsel appearing on behalf of the informant and learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that petitioner has one criminal antecedent and too under POCSO Act. The role of the petitioner in the alleged offence cannot be denied and as such, petitioner don't deserve to be released on pre-arrest bail.

6. I have perused the statement of the victim recorded under Section 164 Cr.P.C. corresponding to Section 183 BNSS, The petitioner is aged about 20 years and allegation against him is that he kidnapped the victim with the intention of selling her and compelling her into the illicit flesh trade. It is also clear from the allegation that the petitioner is of another religion and statement of the victim reveals that she was never in relationship with the petitioner. Petitioner has one criminal antecedent under POCSO Act. In view of above, I am not inclined to grant pre-arrest bail to the petitioner.

7. However, the petitioner, if so advised, may



surrender before the learned District Court and seek regular bail, who has just emerged as an adult. In that case, the learned District Court is directed to consider the bail application of the petitioner giving due regard to the observation made in the case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) SCC OnLine Mad 317 by Madras High Court, preferably on the same day on the basis of materials collected in course of investigation.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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