

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68965 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- Sahayak Khajanchi District- Purnia

1. Bibi Shahin @ Shahin D/O Late Amila R/O Vill.- Madhopara Mushari, P.S- Sahayak Khazanchi, Purnea- 854301, District- Purnea (Bihar).
2. Hamida Khatoon W/O Late Amila R/O Vill.- Madhopara Mushari, P.S- Sahayak Khazanchi, Purnea- 854301, District- Purnea (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. X [REDACTED]

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Maruth Nath Roy, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Despite valid service of notice upon O.P. No. 2,
none appears on behalf of O.P. No. 2.

3. Petitioners apprehend their arrest in connection
with Sahayak Khazanchi P.S. Case No. 47 of 2025 registered for
the offences under Sections 127(2), 115(2), 65(1), 61(2), 352,
351(2) of B.N.S., 2023.

4. As per the prosecution case, the informant has
stated that one Md. Samir @ Gullu along with his three friends
in the name of illness of her sister's friend, picked her on a
motorcycle and took to the house of her friend Ayushi Kumari
and from there they took her to the house of his maternal aunt,



namely, Sambida Khatoon. It is alleged that the petitioners along with others were present and they left the victim along with Md. Samir @ Gullu for the whole night and on the subsequent day, the brother of the said Md. Samir @ Gullu is said to have dropped her behind GMCH, Purnea.

5. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in the present case and the story narrated by the informant is false and concocted. It is further submitted that there was a love affair between the informant/victim and one Md. Samir @ Gullu and the petitioners happen to be the brother and son of the main accused, Md. Samir @ Gullu, respectively. It is next submitted that even if the allegations are taken at its face value, nothing has been alleged against the petitioners that they had forced the girl to go with Md. Samir @ Gullu and it is not even the case of the victim that she had protested and had shouted prior to being taken to the house of Md. Samir @ Gullu, which goes on to show that she has gone on her own free will. It has next been submitted that both the petitioners are lady members who are the sister and mother, respectively of the main accused Md. Samir @ Gullu. It has lastly been submitted that the petitioners carry clean antecedent.



6. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

7. Considering the aforesaid submission, facts and circumstances of the case, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Sahayak Khazanchi P.S. Case No. 47 of 2025 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative.
- (ii) The petitioners shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.



(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the present application stands disposed of.

9. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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