

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68669 of 2025

Arising Out of PS. Case No.-14 Year-2024 Thana- ALINAGAR District- Darbhanga

Md Ashfaque Son of Abdul Jabbar Ansari @ Md Jabbar Ansari R/O Village-
Manhar, P.S.- Alinagar, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Hussamuddin Azad, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366-A and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his minor sister, aged about 14 years, on 29.02.2024 at about 09:00 p.m. had gone to attend the call of nature but did not come back. Thereafter, a search was made and in the morning, it transpired that the named accused persons including the petitioner have kidnapped her. It is next alleged that petitioner is a mason and works at the house of Md. Tanvir and is married from before having four children. Further, Md. Tanvir



has dispute with the informant from before and had threatened of dire consequences, thus, alleges that the named accused persons in the FIR under a conspiracy kidnapped his minor sister. It is also alleged based on suspicion that Md. Tanvir and Md. Hasimuddin through the petitioner got the victim kidnapped.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner is a labourer with whom sister of the informant was in love and they eloped but since Ashfaque was working in the house of Md. Hasimuddin Ansari as a labourer hence, he came to be implicated. It is next submitted that the victim on her own came back and she was recovered from Darbhanga Railway Station and thereafter her statement was recorded by the police and the victim was sent for medical examination. It is further submitted that in the medical examination the age of the victim was assessed in between 20-22 years and no sign of rape was found. It is also submitted that the statement of the victim was recorded under Section 161 Cr.P.C. wherein she did not support the case of the prosecution but when her statement was recorded under Section 164 Cr.P.C., she supported the case of the prosecution under parental



pressure and stated that the accused persons took her to Himachal where petitioner was present and he committed rape. It is thus, submitted that statement of the victim as recorded under Section 161 Cr.P.C. and 164 Cr.P.C. is dichotomic. It is next submitted that police after investigation submitted final form in favour of Md. Hasimuddin Ansari but then cognizance came to be taken and Md. Hasimuddin Ansari moved before this Court seeking anticipatory bail by filing Criminal Miscellaneous No.63685 of 2025 and the same came to be allowed by an order dated 18.09.2025. It is next submitted that from tenor of the allegations, as alleged in the FIR, it would manifest that informant himself alleges that he was having dispute with Md. Tanvir and Md. Tanvir along with Md. Hasimuddin Ansari are alleged to have got the victim kidnapped with the help of the petitioner but then during the course of investigation, the case was not found true against Md. Hasimuddin Ansari. It is also submitted that Md. Tanvir has been granted the privilege of anticipatory bail. It is next submitted that no doubt victim alleges that she was raped by the petitioner but the same is not corroborated by the medical report of the victim, as has come at para-75 of the case diary. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his



innocence.

5. The learned APP for the State opposes the bail application.

6. Considering the submissions made by learned counsel for the petitioner, let petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipur, Darbhanga in connection with Alinagar P.S. Case No.14 of 2024, subject to the condition that one of the bailors of the petitioner shall be his father, namely, Abdul Jabbar Ansari @ Md Jabbar Ansari.

7. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the framing of charge or after framing of charge is trying to delay the trial, in both the conditions, the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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