

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69365 of 2025

Arising Out of PS. Case No.-178 Year-2025 Thana- BACHHWARA District- Begusarai

Md. Tauhid @ Saud Khan @ Tauhid @ Md. Tahid Khan S/O Md. Jahangir Ansari @ Md. Jahangir R/O Village- Kadrabad, Ward No.- 05, Police Station- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 17-01-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bachhwara P.S. Case No. 178 of 2025, F.I.R dated 26.05.2025 registered for the offences punishable under Sections 137(2), 140(3) of Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, it is alleged that on 23.05.2025 at about 11:00 A.M., the minor daughter of the informant left her house and did not return. The informant expressed suspicion that her daughter had been kidnapped and named the petitioner along with one Vivek Kumar Patel. It is further alleged that despite a thorough search, the informant could not trace her daughter and suspected that the petitioner and the co-accused had kidnapped her with ill motive, the victim being age about 16 years. It is also alleged that the victim



was seen at Bachhwara Railway Station in the company of the petitioner. On the basis of the application submitted by the informant, F.I.R was registered.

4. Learned counsel for the petitioner submits that case diary was called for in this case along with the statement of victim recorded under Section 183 of BNSS, 2023. On perusal of the statement so recorded, it is quite evident that the victim has herself stated that she knew *Vivek Kumar @ Vivek Kumar Patel* for about one and half year, with whom she wanted to marry, but their parents were not agreeing and forcing her to get married with somebody else for which, she was not ready and as such she along with *Vivek Kumar @ Vivek Kumar Patel* went to Delhi on her own, for that nobody assisted her in going to Delhi.

5. At this stage, counsel for the petitioner referring to the contents of the bail application filed by the *Vivek Kumar @ Vivek Kumar Patel*, who has been allowed regular bail, and from the order passed in B.A. No. 1399 of 2025, passed by Special Judge, POCSO Court, Begusarai, (kept on record marked as 'X'). It is referred that *Vivek Kumar @ Vivek Kumar Patel* and victim girl has already married and has not supported the prosecution story, the order passed in the case of *Vivek Kumar @ Vivek Kumar Patel*.



6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and the various decisions of the Hon'ble Apex Court, the bail application was allowed in favour of *Vivek Kumar @ Vivek Kumar Patel*, since the role of this petitioner have not been taken by the victim girl in her statement so recorded under Section 183 of BNSS, 2023. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

8. Let the petitioner, above named, in the event of his/her 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, Begusarai in connection with Bachhwara P.S. Case No. 178 of 2025, 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 of the petitioner(s) who shall provide official document 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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