

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81770 of 2025

Arising Out of PS. Case No.-428 Year-2015 Thana- MOTIHARI MUFASIL District- East
Champran

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Md. Mahfooz @ Md. Mahfooz Rahman, Male, aged about 29 years, Son of
Sakeeb @ Shakil Ahmad, Resident of Village- Katahan Loknathpur, P.S-
Mofassil, Motihari, District- East Champran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate
		Ms. Rishika Arya, Advocate
		Ms. Mandavi Kumari, Advocate
For the Opposite Party/s :		Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Mufassil P.S. Case No. 428 of 2015 instituted for the
offences punishable under Sections 366(A) / 34 of the Indian
Penal Code.

3. As per allegation in the FIR, the petitioner along
with other co-accused persons abducted the daughter of the
informant for the pretext of marriage.

4. Learned counsel for the petitioner submits that
petitioner is innocent has committed no offence and has falsely



been implicated in this case. He submits that the victim was recovered and she got examined under Section 183 of the BNSS in which she has stated that she left her house due to torture of her mother and went to Nepal with her aunt and, thereafter, she went to Mumbai, where she met with the petitioner and came in relationship and performed her marriage with the petitioner. He further submits that the petitioner is living with her peacefully as a husband and wife. He next submits that co-accused namely Sakeeb @ Shakil Ahmad, Jaibun Nesha and Faijan Ahmad have already been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 13335 of 2016 vide order dated 01.04.2016. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. From perusal of the FIR, case diary, statement of the victim recorded under Section 183 of the BNSS and the impugned order of the learned District and Additional Sessions Judge-I, East Champaran, Motihari dated 18.08.2025, it appears that on the basis of written report of the informant, FIR has been registered under Sections 366(A) / 34 of the Indian Penal Code against four co-accused persons including the present



petitioner. From perusal of the statement of the victim recorded under Section 183 of the BNSS, in which she has stated that she left her house due to torture by her mother and went to Nepal in the year 2015 with her aunt. She has also stated that she went to Mumbai in the year 2020 from where she met with the petitioner and performed marriage with the petitioner (Md. Mahfooz @ Md. Mahfooz Rahman) and live with the petitioner as a wife, so in the above circumstances, it appears that the petitioner is not using any coercion for kidnapping the victim and the victim is also major and similarly situated co-accused persons namely Sakeeb @ Shakil Ahmad, Jaibun Nesha and Faijan Ahmad have already been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 13335 of 2016 vide order dated 01.04.2016, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant anticipatory bail to the above named petitioner.

7. Accordingly, let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, East Champaran, Motihari in
connection with Muffasil P.S. Case No. 428 of 2015, subject to
the conditions laid down in Section 482(2) of the BNSS.

(Ramesh Chand Malviya, J)

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