

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2685 of 2026

Arising Out of PS. Case No.-105 Year-2025 Thana- PAHARKATTA District- Kishanganj

Mahsar Alam S/O Asgar Alam Resident of Village- Halda Gaon, Ward No. 14, P.S.- Paharkatta, Dist.- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ibrahim S/O late Maniruddin Resident of Village- Halda Gaon, Ward No. 14, P.S.- Paharkatta, Dist.- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Paharkatta P.S.
Case No. 105 of 2025 dated 24-08-2025, registered under
Sections 137(2), 96, 351(2), 352 of Bharatiya Nyaya Sanhita
2023.

3. The allegation against the petitioner is that he
kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that the statement of the
victim has been recorded under Section 183 of the B.N.S.S.



wherein, she has categorically stated that she had gone to Delhi of her own free will, without informing her family members and had solemnized marriage with the petitioner. She has further stated that after coming to know about the false case lodged by her parents, she returned and has in the last stated that she is not willing to go to her parental house. It is also submitted that at the time of recording her statement the learned Magistrate assessed her age to be 16 years, 3 months and 27 days on the basis of her matriculation certificate. Learned counsel for the petitioner draws the attention of the Court towards the impugned order dated 25.11.2025 passed in Bail Petition No. 359 of 2025, whereby the prayer for bail of the petitioner has been rejected and submits that the learned District & Additional Sessions Judge-I, Kishanganj has erroneously recorded that there is an allegation of rape against the petitioner, which is a clear error apparent on the face of the record. Lastly, it is submitted that the petitioner has been in custody since 17.10.2025 and has no criminal antecedents.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on 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 S.D.J.M. Kishanganj, in connection with Paharkatta P.S. Case No. 105 of 2025.

7. The application stands allowed.

(Khatim Reza, J)

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