

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13280 of 2025**

Arising Out of PS. Case No.-256 Year-2024 Thana- KORHA District- Katihar

Mahfuz Alam Son of Habibur Rahman @ Habib @ Habibur village- Lahsa, PS- Mansahi, Distt- Katihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP
For the informant : Mr. Bhola Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 28-03-2025 Heard learned Counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Korha P.S. Case No. 256 of 2024 registered on 19.09.2024 for the offences punishable under Section 137(2), 140(3), 3(5) of the B.N.S., 2023.

3. According to the prosecution, the present F.I.R. has been lodged against two named accused, including the petitioner, along with 4-5 unknown persons, on the allegation of kidnapping the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The F.I.R. itself indicates that both the petitioner and the informant are



involved in the business of makhana (a type of dry fruit). He further submits that the petitioner did not forcefully take the informant's son; rather, they called him to discuss a matter related to an outstanding amount of Rs. 5,50,000/- due to the informant's son. Learned counsel further submits that there is a dispute over a money transaction involving *makhana* between the parties. The petitioner sold *makhana* worth Rs. 5,50,000/- to the informant's son, but the son failed to pay the said amount, leading the petitioner to file Mansahi P.S. Case No. 102 of 2024 on 19.09.2024. Subsequently, the son of the informant was taken to the house of the accused persons, after which the police were informed and when the police came they remanded the informant's into judicial custody. Learned counsel further submits that the son of the informant has filed a petition before the S.H.O. of Mansahi Police Station, admitting that Rs. 5,50,000/- is due from him and he intends to pay the same. The petitioner had no intention to kidnap the son of the informant, and the allegation is therefore false and fabricated. The petitioner has a clean antecedent.

5. Learned counsel for the informant, on the other hand, opposes the prayer for bail and submits that from the contents of the F.I.R., it is crystal clear that the petitioner



kidnapped the son of the informant.

6. Learned APP for the State opposes the prayer for bail and submits that from the annexures in this case, it is evident that there is a business dispute between the parties.

7. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the CJM, Katihar, in connection with Korha P.S. Case No. 256 of 2024/, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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