

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61336 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- KHUTAUNA District- Madhubani

Hafiz Kalimullah @ Hafiz Kali Mullaha S/o Gafur Mansuri Resident of
Mohalla- Ekhattha, Police Station- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sabana Begum D/o Sahmad Sah resident of Village- Ekhatta, P.S- khutauna,
Dist- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawaz Shareef, Adv

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Khutauna P.S. Case No. 76 of 2024 dated 30.05.2024 registered for the offence punishable u/ss 376, 506 read with Section 34 of the Indian Penal Code and Section 4 and 6 of the POCOS Act.

3. As per the prosecution case, the informant was studying in Madarsa Islam Ekhattah in her village and the petitioner is director of the said Madarsa and the co-accused Kari Shahanwaj is a teacher. It is alleged that the co-accused Kari Shahanwaj told the informant to establish physical



relationship on the pretext of getting good marks in examination. On being opposed by the informant, the co-accused Kari Shahanwaj started threatening the informant to kill her and her family and also threatened to remove her name from the said Madarsa. On being pressurized by the co-accused Kari Shahanwaj, the informant developed an illegal relationship with the co-accused Kari Shahanwaj due to which she become pregnant. The petitioner told the co-accused Kari Shahanwaj to send her to Malmal Madarsa where her health deteriorated and when her condition worsened, she was sent back to home from the said Malmal Madarsa.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the director of the Madarsa and he has no knowledge regarding the said occurrence as he attends the Madarsa only two days in a month. There is no specific allegation against the petitioner. The petitioner has clean antecedent. As per the para no. 16 of the bail petition, the petitioner is in custody since 28.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl. As per the medical report, the victim is



pregnant of 31 weeks and 3 days. As per the statement recorded u/s 164 of the Cr. P.C., the victim stated that the co-accused Kari Shahanwaj used to lock her in the room and forcefully established physical relationship with her, and the petitioner used to assist the co-accused Kari Shahanwaj by sitting outside the room knowing the entire thing which shows the active participation of the petitioner in the said occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Khutauna P.S. Case No. 76 of 2024 pending in the court of learned A.D.J.-VII-cum-Special Judge (POCSO Court), Madhubani.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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