

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5643 of 2025

Arising Out of PS. Case No.-1701 Year-2024 Thana- PHULWARISHARIF District- Patna

Md. Irshad Alam S/O Md. Maksood Alam R/O Mohalla- Naya Tola, P.O. and
P.S.- Phulwarisharif, Dist.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1701 of 2024 registered on 04.11.2024 for the offences under Section 64 of the B.N.S. and Section 4 of the POCSO Act.

3. As per prosecution case, son-in-law of the informant took away her minor daughter from the school to Marine Drive and committed wrongful acts with her.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No offence as alleged has ever taken place. The statement of the victim girl was recorded by the Judicial Magistrate wherein she has stated that nothing



wrong was committed by the petitioner with her. The victim girl as well as her mother refused to send the victim for medical examination. Under some misunderstanding, the present case has been lodged and the informant is before this Court to certify this fact. Learned counsel further submits that a joint compromise application has also been filed before the learned trial court and the informant does not want to prosecute her case. Petitioner is in custody since 06.11.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner for doing wrongful act with the minor daughter of the informant. The informant who is present before this Court, on query, submits that nothing wrong happened with her minor daughter and for this reason she is not interested in prosecuting the matter. The informant further submits that the petitioner is her son-in-law.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim girl did not support her case in her statement recorded under Section 183 of B.N.S.S. and further considering the absence of any medical report and also considering the clean



antecedent of the petitioner coupled with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Patna/ concerned court in connection with Phulwarisharif P.S. Case No. 1701 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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