

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9195 of 2025

Arising Out of PS. Case No.-266 Year-2024 Thana- RAJAPAKAR District- Vaishali

Mahboob Alam @ Md. Mahboob Alam S/o- Moin Alam Village- Gangoi Ps-
Paroo Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vindeshwar Rai S/o- Shyam Nandan Rai Village- Gangajal W.No-14, Ps-
Rajapakar Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Rajapakar P.S. Case No. 266 of 2024 registered for the

offences under Sections 137 & 96 BNS and Sections 4 & 6 of

POCSO Act.

3. The petitioner is named in the F.I.R. and is in

custody since 27.08.2024.

4. The allegation against the petitioner is to kidnap

the minor daughter of informant aged about 17 years for the

purpose of illicit intercourse or seduced/forced her to enter



into marriage with another person.

5. Learned counsel appearing on behalf of the petitioner submitted that it is a case of love affairs, which is apparent from the statement of victim as recorded under Section 183 of the BNSS. It is pointed out that statement further reveals that physical relation established with petitioner out of consent. It is also submitted that allegation of kidnapping and sexual assault not appears available out of statement as recorded under Section 183 of the BNSS. While concluding the argument it is submitted that petitioner is a man of clean antecedent and remains in custody since 27.08.2024, where even not a single witness was examined by learned Trial Court, appears defeating prima-facie the right of speedy trial as available under Section 35 (2) of the POCSO Act and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. Despite service of notice informant failed to join



the present court proceedings.

8. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as allegation of kidnapping and sexual assault prima-facie not appears convincing from the statement as recorded under Section 183 of the BNSS, as discussed aforesaid, coupled with the fact as petitioner is in custody since 27.08.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Rajapakar P.S. Case No. 266 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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