

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7449 of 2025

Arising Out of PS. Case No.-332 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

Md. Irfan Alam @ Kallu Son of Late Md. Kaishar Resident of Village -
Khankah, P.S. - Laheri, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. X Daughter of Late Md. Shaukat @ Late Md. Sakil Resident of
Mohalla - Khankah, P.S. - Laheri, District - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sabal Kumar Jha, Adv.
For the State	:	Mr. Meena Singh, APP
For the O.P. No. 2	:	Mr. Prasoon Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 12-08-2025 Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No. 2 and learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Laheri P.S. Case No. 332 of 2024, registered for the offences
punishable under Sections 323, 354, 376, 34 of the Indian Penal
Code and Section 3/4 of the POCSO Act.

3. The case of the prosecution according to the complaint
filed by the complainant/informant is that she was kidnapped by
the petitioner, Md. Irfan Alam on the point of pistol and was
raped inside her house.

4. The learned counsel appearing on behalf of the



petitioner submits that there is a complete departure of the initial story made in the complaint petition to that which was made under her statement Under Section 180 of the B.N.S.S. before police, as also the Section 183 of the B.N.S.S made before the learned Magistrate. It has also been submitted that for an occurrence which took place on 09.06.2024, the complaint was filed on 22.06.2024, whereupon, the F.I.R. was instituted under Section 156(3) of the Cr.P.C. It would be apparent from the statement made under Section 183 of the B.N.S.S. that the informant/victim was in a love relationship with the petitioner and had also entered into a physical relationship with him by her own wish and desire. Further, the investigation also reveals that no internal and external injury was found on her private parts and hence, there was no evidence suggestive of any recent sexual intercourse. Learned counsel for the petitioner also invites the attention of this Court to Annexure-2 to the present bail petition, which is an application filed on behalf of the informant/victim stating therein that she is in a love relationship with the petitioner since many years and had filed the present case under some mental disturbance and she does not want to pursue the case any further.

5. Learned counsel appearing for the O.P. No. 2 supports the factum of the compromise between the parties.



5. Considering the above-mentioned facts and circumstances and also considering the fact that the victim/informant was in a love relationship with the petitioner and coupled with the fact that the compromise, which is supported by the learned counsel for the Opposite Party No. 2 and also considering that the petitioner is a young boy with no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional and Sessions Judge-II, POCSO, Biharsharif, Nalanda, in connection with Laheri P.S. Case No. 332 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023.

(Soni Shrivastava, J.)

Jyoti Kumari/-

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