

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10735 of 2025

Arising Out of PS. Case No.-365 Year-2024 Thana- DHAKA District- East Champaran

1. Sarfaraz @ Md. Sarfaraz Ahmad S/O Wakil Ahmad @ Md. Wakil @ Md. Okail Ahmad R/o Village- Barewa, P.O.- Chandanbara, P.S.- Dhaka, District- East Champaran
2. Naushad @ Naushad Alam S/O Wakil Ahmad @ Md. Wakil @ Md. Okail Ahmad R/o Village- Barewa, P.O.- Chandanbara, P.S.- Dhaka, District- East Champaran
3. Azad @ Md. Azad S/O Wakil Ahmad @ Md. Wakil @ Md. Okail Ahmad R/o Village- Barewa, P.O.- Chandanbara, P.S.- Dhaka, District- East Champaran
4. Ezaz @ Ezaz Ahmad S/O Wakil Ahmad @ Md. Wakil @ Md. Okail Ahmad R/o Village- Barewa, P.O.- Chandanbara, P.S.- Dhaka, District- East Champaran
5. Wakil Ahmad @ Md. Wakil @ Md. Okail Ahmad S/O Late Sk. Latif @ Sk. Abdul Latif R/o Village- Barewa, P.O.- Chandanbara, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mishrun Nesha W/O Samiullah R/o Village- Barewa, P.S.- Dhaka, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nutan Sahay, Advocate
	:	Mr. Asif Kalim, Advocate
	:	Mr. Rananjay Kumar, Advocate
For the State	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Priyesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-05-2025 Heard Mrs. Nutan Sahay, learned counsel for the petitioner, Mr. Priyesh Kumar, learned counsel for the informant and Mr. Yogendra Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Dhaka P.S. Case No. 365 of 2024 for the



offence under sections 87, 115(2), 137(2), 140(3), 3(5) of the B.N.S. and Sections 8 and 12 of the POCSO Act lodged on 27.08.2024 by the informant, Mishrun Nesha.

3. As per the prosecution story, the informant alleged that her young daughter was taken away by Md. Sajjad, the son of petitioner no.5 and brother of the other petitioners herein. When she complaint, the petitioner no.5, who is sarpanch abused/assaulted and outraged her modesty. This led to the FIR.

4. Learned counsel for the petitioners submit that admittedly, the girl was in relationship with Md. Sajjad. Nehal, Helal and Shaukat Ali, political opponent of the petitioner no.5 assured them of marriage and when the couple eloped, they ensured that Sajjad goes to judicial custody and the girl returns home. They in any case has been implicated only because of family members.

5. Learned APP and learned counsel for the informant opposes the prayer submitting that though allegation of taking away the victim is on Md. Sajjad who admittedly, is in custody, when the lady went to the Sarpanch (petitioner no.5) both the informant and her husband were abused/assaulted.

6. The allegation is there, the submissions have been heard, the Co-ordinate Bench called for the case diary and the



statement of the victim has been seen, it clearly shows that she was in relationship with Md. Sajjad and further the Doctor has opined her to be 19 years and thus of age capable of taking a decision. These petitioners have no criminal antecedent and shall ultimately facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, District-East Champaran, in connection with Dhaka P.S. Case No.365 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

anand/-

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