

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9244 of 2025

Arising Out of PS. Case No.-623 Year-2024 Thana- MUFFASIL District- West Champaran

Safique Alam @ Shafique Alam S/o- Fazal Hussain Resident Of Village-
Baswariya Dhuniapatti, Jagdamba Nagar, Ward No 29, Ps- Bettiah Town,
Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surjani Khatoon W/o- Saheb Gadi Village- Karanmeya W.no-7, Panchayat
Lalgarh Ps- Bettiah Muffasil Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Anshul, Sr. Advocate Mr. Majid Mahboob Khan, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-03-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 64(1), 89, 90, 103(1), 352 and 3(5) of the B.N.S. and Section 4 of the POCSO Act.

3. The prosecution case, in brief, is that one day suddenly, daughter of informant, aged about 15 years, had a pain in her stomach and when informant took her to Government hospital, the doctor found out that the victim is four months pregnant. Thereafter, informant came to know from the victim that one Kamil Gaddi used to establish physical relations with her and due to the same, she became pregnant. When informant went to enquire into the matter from co-accused Kamil Gaddi



and his family then it is alleged that all the F.I.R. named accused persons attacked with sharp weapons and iron rods due to which informant and her family members were forced to return. It is further alleged that on 11.11.2024 in the evening, co-accused Kamil Gaddi forcibly fed a medicine to the victim and tried to abort the pregnancy and after consuming the medicine, the victim started bleeding a lot and died before reaching hospital.

4. It is submitted by learned senior counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is neither named in the F.I.R. nor any suspicion has been raised against him. It is specific case of the informant that it was co-accused Kamil Gaddi who established physical relations with the victim as a result of which she became pregnant and later on co-accused Kamil Gaddi forcibly fed some medicine to the victim to abort her pregnancy. Name of petitioner transpired during course of investigation on the basis of confessional statement of co-accused Kamamun Nisha. Petitioner is only alleged to be owner of the hospital in which the victim girl illegally got aborted by an untrained nurse. Save and except this, no other role has been attributed to this petitioner. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-Additional District and Sessions Judge, VIth, West Champaran at Bettiah in connection with Bettiah Mufassil P.S. Case No. 623 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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