

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.914 of 2025

Arising Out of PS. Case No.-284 Year-2023 Thana- NAUHATTA District- Saharsa

Md. Shaukat Son of Md. Izahar @ Ijhar Alam Through his guardian namely
Md. Ijhar @ Md. Izhar, aged 75 years, Son of Late Jitan Ali, Resident of
Village - Purushottampur Dhrampur, P.S. - Nauhatta, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Daughter of Md Sajjan Md Sajjan RESIDENT OF VILLAGE
PURUSHOTTAMPUR
2. X Daughter of Md. Sajjan Resident of Village - Purushottampur, P.S. -
Nauhatta, District - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 24-04-2025 The appellant is a Child in Conflict with law on the
date of occurrence. He was aged about 17 years and few months
when the Nauhatta P.S. Case No. 284 of 2023 dated 12th
December 2023 was filed under Section 341/323/504/506/376
and Section 34 of the IPC and Section 4 of the POCSO Act was
registered against the appellant on the basis of the written
complaint submitted by the father of the victim in the police
station. It is alleged that the victim was subjected to sexual
assault on false promise of marriage by the appellant. Medical
examination of the victim was conducted from the medical
report.



2. I do not find any mark or sign of injury in or around the private part or any other part of the body of the victim. There is no comment as to whether hymen of the victim was ruptured. Thus, the medical report of the victim, prima facie does not support the allegation under Section 376 of the IPC.

3. For the reasons stated above, I am inclined to release the appellant on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st Cum Special judge (Child), Sharsa in Special (child) Case No. 07 of 2024 with further conditions which are as follow:-

(i) One of the sureties/bailors must be one of the parents or a close relative of the appellant.

(ii) The father or any close relative of the appellant shall file an affidavit before the learned A.D.J. 1st Cum Special judge (Child), Sharsa in Special (child) Case No. 07 of 2024 , giving a specific undertaking that after the release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.

(iii) The appellant shall remain present before the Court and/or the police, as the case may be, as and when required.



(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) The court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

4. With the above order, the instant criminal appeal stands allowed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

U		T	
---	--	---	--

