

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18913 of 2025

Arising out of PS. Case No.-562 Year-2024 Thana- JAHANABAD District- Jehanabad

Md. Firoz Hussain S/o Nanak @ Subhan Mansuri R/o Village- Bhebar, P.S.- Sikariya
(Jehanabad Town), Distt.- Jehanabad Petitioner/s
Versus

1. The State of Bihar
2. Malti Devi, W/o Birja Chaudhary, R/o Village- Bhebar, P.S.- Sikariya, Distt.- Jehanabad (Mother). Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Alka Singh, Advocate Mr. Amarendra Kumar, Advocate
For the Opposite Party/s:		Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 137(2) and 96 of Bhartiya Nagrik Suraksha Sanhita (BNSS), Sections 4/6 of POCSO Act and Section 3(2)(v) of SC/ST Act. He has no criminal antecedent.

3. As per the prosecution case, the informant's daughter had gone to the "Bazar" and did not return. It is further alleged that the informant's daughter was in telephonic talk with one Firoj Hussain (Petitioner) and the informant raised serious suspicion that it was the petitioner who had abducted her minor daughter with the purpose of marrying her.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the daughter of the informant had gone out of her own sweet-will. It is



further submitted that the occurrence is said to be of 17.07.2024, however, the FIR was lodged after delay of about five days on 21.07.2024 which goes to show that there was no intent of the informant to lodge the information, as her daughter has gone out of her own sweet-will. The victim has given different versions of her story before Police under Section 164 Cr.P.C. It is also submitted by learned counsel for the petitioner that medical report shows the age of the victim girl was 18 to 19 years. It is next submitted by learned counsel for the petitioner that the victim girl has been married to another person and she has gone to her in-laws house and it is on account of such fact that despite service of notice, nobody has appeared on behalf of the informant in the present case. It is lastly submitted that the petitioner has clean antecedent and is in custody since 01.10.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the victim girl in her statement recorded under Section 183 BNS has supported the prosecution case and has alleged that it was the petitioner who had sexually abused the victim girl and she was any how rescued by the police, as such the petitioner should not be released on bail.



6. Considering the aforesaid submissions of the parties and taking into account the variations in the statement of the victim girl and also the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Jehanabad in connection with Jehanabad Town (Sikariya) P.S. Case No. 562 of 2024 (POCSO No. 109 of 2024), subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent



of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

Vikash/-

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

