

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20060 of 2025

Arising Out of PS. Case No.-642 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Faiyaj Aalam @ Fayaj Aalam, Son of Ishhak Miya @ Ishhak Alam, Resident
of Village - Darwa, P.S. - Mohania, District - Kaimur at Bhabhua

... .. Petitioner

Versus

1. The State of Bihar
2. Brigunath Sah, Son of Late Hari Chandra Sah, Resident of Village - Naraura,
P.O. - Mujan, P.S. - Mohania, District - Kaimur at Bhabhua

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with
POCSO Case No.90 of 2024 arising out of Mohania P.S. Case
No.642 of 2024 registered for the offences punishable under
Sections 137(2) and 97 of the Bhartiya Nyaya Sanhita (for
short 'B.N.S.'), subsequently, Section 74 of the BNS was added
as well as Sections 8 and 12 of the Protection of Children from
Sexual Offences Act (in short 'POCSO Act').

3. The accused/petitioner is named in the FIR and is in
custody since 30.10.2024.

4. Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 16 years for the



purpose of illicit intercourse or seduced/forced her to enter into marriage with another person.

5. It is submitted by learned counsel appearing for petitioner that the victim after recovery while recording her statement under Section 180 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') categorically denied the occurrence as kidnapping. She also stated that no sexual assault was committed upon her. It is further submitted that the victim has refused to join medical examination. While concluding argument, it is submitted that during trial the victim categorically denied the occurrence while examining as PW-2 and therefore, keeping the petitioner in judicial custody for any further period would not serve any purpose of justice. In this context, it is further submitted that still this matter is for examination of prosecution witnesses and only two prosecution witnesses i.e. victim and informant were examined and, therefore, the trial is not likely to conclude within prescribed time period of one year from the date of cognizance in view of Section 35(2) of the POCSO Act. The petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail



submitted that the allegation *qua* kidnapping is specific against this petitioner.

7. In view of the aforesaid factual submissions and by taking note of fact as petitioner is in custody since 30.10.2024, where progress of trial *prima facie* suggest that the trial is not likely to conclude within time period of one year in terms of Section 35(2) of the POCSO Act, accordingly, the petitioner, who is man of clean antecedent, 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 Special Judge, POCSO Act-cum-A.D.J.-VI, Kaimur at Bhabua in connection with POCSO Case No.90 of 2024 arising out of Mohania P.S. Case No.642 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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