

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22872 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- MAHILA PS District- Darbhanga

Md. Imtiyaz Khan @ Md. Imtiyaz Son of Md. Ishak Khan @ Md. Ishahaque
Khan Resident of village - Basuham, P.S.- Bahera, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Razina Khatoon Daughter of Md. Sadiya Khan Resident of village -
Basuham, P.S.- Bahera, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Jha, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and the State
as also the informant.

2. The petitioner is in judicial custody in connection with Mahila P.S. Case No. 137 of 2024 for the offence punishable under Sections 64 of the Bhartiya Nayay Sanhita, 2023 and section 4/6 of the POCSO Act, 2012 lodged on 12.12.2024 by the informant, Razina Khatoon.

3. As per the prosecution story, the informant alleged that he went out to attend nature's call when this petitioner on the point of knife raped her. She anyhow, came home and informed the parents which led to the FIR.

4. In this case, coordinate bench had called for the



case diary and the same is on record.

5. Learned counsel for the petitioner has taken this Court to the medical examination report which was done on the subsequent date on 13.12.2024 and the opinion has been as follows:

“There is no positive evidence to suggest commission of recent sexual intercourse with her.”

6. Learned counsel for the petitioner submits that he has no criminal antecedent, shall be diligently appearing in trial and under no circumstance will come anyway near the victim/family members, if granted relief.

7. Learned counsel for the informant and the learned APP opposes the prayer submitting that the girl under Section 183 of the BNSS has supported the prosecution story.

8. The allegation is there, the age of the victim has been assessed between 16-17 years, she has also supported the case, the medical examination conducted 24 hours later gives a different story and in any case, the petitioner has remained in custody since 13.12.2024 and has no criminal antecedent, charge-sheet has been submitted, it would be appropriate that he gets relief after framing of the charge and this Court has taken



note of the fact that he shall be diligently appearing in trial and under no circumstance shall contact the victim/family members.

5. Let the petitioner be released on bail after framing of the charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act), Darbhanga, in connection with Mahila P.S. Case No. 137 of 2024 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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;



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

(Rajiv Roy, J)

Ravi/-

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

