

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26033 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- JALALGARH District- Purnia

Muntasir @ Muntasir Alam S/o Late Abul @ Abul Hasan Resident of vill-
Noor Nagar Bathana, P.S- Jalalgarh, Distt.- Purnea

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Md. Shahid S/o Late Mohram Ali R/o vill - Bathana, P.S.- Jalalgarh, Distt.-
Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 37 of 2025 arising out of Jalalgarh P.S. Case
No. 176 of 2024 instituted for the offence under Sections 137(2)
& 96 of the Bharatiya Nyaya Sanhita, 2023 (for brevity ‘BNS’).
Subsequently, Section 64 of the BNS and Section 4 of the
POCSO Act were added.

3. On November 4, 2024, informant’s 14-year-old
daughter went missing from their home in Bathana, Purnea, and
it was discovered that petitioner was also not present, leading
the family to believe that petitioner abducted her. When



informant confronted petitioner's family, they were uncooperative and abusive.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16-12-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of five days in lodging the FIR. As per medical report, it is opined by the doctor that there is no sign of sexual assault at the time of examination. Charge sheet is submitted in this case. Learned counsel for the petitioner submits that from perusal of the FIR, it would reveal that informant had narrated a false and fabricated story for the sake of indulging the accused in such a heinous crime.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim in her statement recorded under Section 183 of the BNSS, 2023 has stated that petitioner has raped her and she has further disclosed that he was talking about her selling. Victim is minor and police after completion of investigation has submitted charge-sheet under Sections 137(2), 96 & 64 of the Bharatiya



Nyaya Sanhita, 2023 and 4 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case, victim has supported the prosecution case in her statement recorded under Section 183 of the BNSS, 2023 moreover, she is minor, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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