

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25011 of 2025

Arising Out of PS. Case No.-288 Year-2023 Thana- DHAKA District- East Champaran

1. Md Nasim @ Nasim Akhtar @ Premnath, S/O Md Haroon, R/O Village-Barewa, P.S- Dhaka, Distt.- East Champaran.
2. Rehzana Khatoon, W/O Kaisar Alam, D/O Md Haroon R/O Village-Nayagawan Dumari Katsari, P.S- Sheohar, Distt.- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jauwad Hussain, S/O Late Sheikh Nathuni, R/O Village- Chandan Bara, P.S- Dhaka, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Vijay Shankar Shrivastava, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail, apprehending their arrest, in connection with Dhaka P.S. Case No. 288 of 2023, dated 03.06.2023, registered for the offences punishable under Sections 363, 372/34 of the Indian Penal Code. Subsequently, Section 366(A) (A) of the Indian Penal Code and Section 8 of the POCSO Act were added.

3. As per allegation, fifteen years old daughter of the informant was kidnapped by co-accused, namely, Sadya Khatoon, Sajda Khatoon and Mojibur Rahman and they have



also retained some jewelry worth Rs. 60,000/- and Rs.2,60,000/- cash.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged victim is major, about 19 years of age, and even as per the medical opinion, she was 19 years of age. He also submits that the petitioner was just acquaintance and he was in talk with the daughter of the informant for last 5-6 months, and the same was objected to and tortured by her family members. Hence, she left the home on her own and came to Delhi and resided at the house of Petitioner No. 2, i.e. sister's house of the petitioner No. 1. He further refers to medico legal examination, as per which, no spermatozoa was found on the private part of the alleged victim. As such, there is no allegation or any material to show that she has been subjected to sexual assault. He also submits that the victim girl has been recovered and her statement under Section 164 Cr.PC has been recorded, as per which, the prosecution case is not supported. She has clearly stated that on account of her talk with the petitioner for the last 5-6 months prior to the lodging of the FIR, the family members were against such talks with the petitioner, and hence, they tortured, on account of which, she



has left home on her own and went to Delhi and resided at the house of the sister of the petitioner No. 1 who is petitioner No. 2 herein. She has also stated that the whole allegation of kidnapping and stealing any ornament, is false.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no. 3 of the bail petition that the petitioners have one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances and medical opinion as well as the statement of the victim girl recorded under Section 164 Cr.PC, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Dhaka P.S. Case No. 288 of 2023, subject to the conditions as laid down under



Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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