

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27613 of 2025

Arising Out of PS. Case No.-741 Year-2024 Thana- PURNEA SADAR District- Purnia

Khushboo Khatoon, Wife of Md. Kunal, Resident of Village Red Light Area,
Abdulla Nagar, Katihar More, Khuskibagh, Police Station- Purnea Sadar,
District – Purnea. Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar, Son of Late Anutha Ram, Resident of Village Kodalhiya
Hariyanayan, Police Station- Harinarayan Mahindwara, District - Sitamarhi.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 25-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Special POCSO Case No. 35/2025 arising out of Sadar P.S.

Case No. 741 of 2024, registered for the offence under

Sections 127(6), 140(4), 143, 145, 64, 61, 352, 351(2) and

3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 6

of the POCSO Act and Sections 3, 5, 4 and 6 of the

Information Technology Act.

3. The accused/petitioner is named in the F.I.R. and

is in custody since 13.12.2024.

4. The allegation against the petitioner is to push



victim girl, in immoral activities, where she was rescued by the informant being SHO of Purnea Sadar on police raid made on 13.12.2024 at 6.30 AM.

5. Learned counsel appearing on behalf of the petitioner submitted that police while arresting this petitioner failed to prepared any arrest memo in terms of Section 47 of the BNSS and, therefore, in want of non-compliance of said mandatory provisions, the arrest of petitioner is bad in eye of law and in support of same, the learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Vihaan Kumar Vs. State of Haryana and Another*** reported in ***(2025) 5 SCC 799***. It is pointed out that as per statement of the victim recorded under Section 183 of the BNSS, it transpires that she was recovered from Panjipara in the State of West Bengal, which completely falsifying the case against the petitioner that upon police raid victim was recovered from the house of the petitioner at Purnea. It is pointed out that victim left her home on her own. It is pointed out that on request of victim, further was provided by this petitioner to her and was assured to secure



her return to home, where she appears to be in inimical terms with her mother and elder sister. It is submitted that this fact also surfaced while recording the statement of Section 183 of the BNSS of the victim. It is also submitted that on the basis of secret information, this petitioner was implicated falsely with present case. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a lady of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* out of statement of victim recorded under Section 183 of the BNSS, the place of her recovery appears doubtful that she was recovered upon police raid from the house of this petitioner at Purnea, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 13.12.2024, being lady of clean antecedent, accordingly, petitioner above named, is directed to be released on bail in



connection with Special POCSO Case No. 35/2025 arising out of Sadar P.S. Case No. 741 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Additional Sessions Judge-06-cum-Special Judge (POCSO), Purnea/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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