

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30247 of 2025

Arising Out of PS. Case No.-459 Year-2024 Thana- AMAUR District- Purnia

Shahnawaz, Son of Md. Israil, village- Nahara Kol, ward no. 08, Ps- Amour,
Dist- Purnea

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Sabbir Alam, son of Naimuddin, Village- Kohbara, Ps- Amour, Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP
For the Opposite Party No.2: Mr. Kumar Mangalam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-08-2025 Heard Mr. Ram Prawesh Kumar, learned Advocate for

the petitioner and Mr. Kumar Mangalam, learned counsel for the

informant. The State is represented by Mr. Bishweshwar Ram,

learned APP.

2. The petitioner is in custody in connection with

Amour P.S. Case No. 459 of 2024 for the offence punishable

under Sections 137(2), 87 of the B.N.S. and Section 11(IV), 12

of the POCSO Act lodged on 19.12.2024 by the informant,

Sabbir Alam.

3. As per the prosecution story, the informant alleged



that her minor daughter went missing. Later, is came to the knowledge that the petitioner has taken her away. As the story unfolds, information comes from Surat that she has committed suicide. An UD case was registered there, whereafter the present FIR has been lodged.

4. Learned counsel for the petitioner submits that the petitioner and the victim girl were in a relationship; in Surat, they solemnized marriage and were living happily. He was out for work when information came about the alleged occurrence, and the loss of his wife. The *bona fide* can be seen that he has been arrested from the spot. Further, the postmortem report, conducted at Surat, has recorded the cause of death as asphyxia due to hanging. Petitioner shall be diligently appearing in Trial, is in custody since 03.01.2025 and has no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Learned counsel for the informant also opposes the prayer for bail and submits that the minor daughter of the informant was lured, taken to Surat, situation so created that she committed suicide.

7. It is unfortunate that a minor girl left this world without enjoying the fruits of the life, fact remains that the postmortem report shows that it is asphyxia due to hanging, FIR



is there, the petitioner shall face the trial, an undertaking has been given that he shall be diligently appearing in trial.

8. Taking into account that he has no criminal antecedent and is in custody since 03.01.2025, in that background, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Court (POCSO), Purnea, in connection with Amour P.S. Case No. 459 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/her 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 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;

(iv) 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)

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