

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32548 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- LAURIA District- West Champaran

Md. Habibullah @ Habibullah @ Mohammad Habibullah S/o- Md. Sajjad
Resident of village- Barviro PS- Lauriya, Dist- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nusrat Perween D/o- Bhunid Mian Resident of village- Barviro PS- Lauriya,
Dist- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N A Shamsi, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Lauriya P.S. Case No. 120 of 2025, registered

for the offences punishable under Sections 64, 352, 351(1) and

3(5) of BNS and Sections 4/6 of POCSO Act.

3. The allegation against the petitioner is to help co-

accused persons to commit rape upon the informant aged about 13

years.

4. It is submitted by learned counsel appearing on

behalf of the petitioner that allegation of rape/penetrative sexual

assault is not available against this petitioner. It is also pointed out



that the victim who is acquainted with this petitioner went on her own with him for outing for some local destination, from where she was alleged to be kidnapped by other co-accused persons without assigning any role to this petitioner as per FIR. It is submitted that as per school certificate the date of birth of the informant is 08.05.2008 and, therefore, she was about 17 years on the date of occurrence but just to aggravate the allegation she was shown her age as 13 years. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel Mr. Gauri Shankar Thakur, appearing on behalf of the informant, while opposing the prayer of bail submitted that the petitioner was the part of conspiracy and, therefore, he took victim near to V2 Mall, from where she was taken by co-accused Kamre Alam and Sadre Alam.

6. In view of aforesaid factual submission and by taking note of fact as *prima facie* there is no incriminating statement appears available against the petitioner, where thrust of allegation and to commit penetrative sexual assault for continuous 15 days is available against co-accused Kamre Alam, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is



directed to be released on bail furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount each
to the satisfaction of the learned 7th Addl. Sessions Judge-cum-
Special Judge (POCSO), West Champaran at Bettiah/concerned
Court, where the case is pending in connection with Lauriya P.S.
Case No. 120 of 2025, subject to the conditions as laid down
under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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