

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39831 of 2025

Arising Out of PS. Case No.-374 Year-2024 Thana- BAISI District- Purnia

Md Azhar, Son of Qamrul Hauque @ Quamrul Hoda, R/o village- Pindhale,
P.S- Baisi, Dist- Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Israr Ahmad, Son of Late Usman Gani, R/o village- Pindhale, P.S- Baisi,
Dist- Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Helal Ahmad, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Baisi P.S. Case No.374 of 2024, dated-
30.11.2024 registered for the offences punishable under Sections
139, 96, 352, 351, 3(5) of the B.N.S. 2023 & Section 8/12 of the
POCSO Act.

3. As per allegation, a seventeen years old daughter of
the informant/father was found missing from her home and in
the course of search, the informant/father came to know that the
petitioner has enticed away his daughter. Moreover, she has
been also blackmailed by dirty pictures and videos which are



available in the mobile phone of the petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as per the School Certificate, she was 17 years and 7 months old on the date of alleged occurrence. He further submits that as per her statement before learned Judicial Magistrate under Section 183 of the B.N.S.S., she has clearly stated that no one had kidnapped her and she had voluntarily left her home and gone to Calcutta along with the petitioner and thereafter she solemnized marriage with him. However, at the time of hearing on the bail petition before the Court below, not only the informant/father but even the alleged victim has opposed the anticipatory bail of the petitioner. During the course of bail, one affidavit was filed by the alleged victim stating that her previous statement was recorded on account of threat extended by the petitioner. Here, learned counsel for the Petitioner also submits that as a matter of fact, there was love between the petitioner and the alleged victim and they have solemnized marriage as per Islamic Rites and Customs and only under pressure of the family, she has resiled her statement. As a matter of fact, he has committed no offence.

5. It is also stated in paragraph no. 2 of the bail



petition that the petitioner has 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 petitioner has no criminal antecedents.

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

8. Considering the statement of the alleged victim before learned Judicial Magistrate under Section 183 of the B.N.S.S., **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Baisi P.S. Case No.374 of 2024, subject to the conditions as laid down under Section 482 (2) of the 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 petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his 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 petitioner.

(Jitendra Kumar, J.)

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